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Investigation into the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and of the members of the party accompanying him

Letter dated 2 July 2015 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to General Assembly resolution 69/246 concerning the investigation into the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and of the members of the party accompanying him. In accordance with paragraph 1 of that resolution, I appointed the Independent Panel of Experts, on 16 March 2015, to examine and assess the probative value of new information relating to the deaths of the former Secretary-General and those accompanying him. In the present letter, I will report on the progress made as requested in paragraph 3 of resolution 69/246.

At the outset, I wish to express my sincere gratitude to the Head of the Panel, Mohamed Chande Othman of the United Republic of Tanzania, as well as to the other members of the Panel, Kerryn Macaulay of Australia and Henrik Larsen of Denmark, for their excellent contribution to the search for the truth about the events of 17 and 18 September 1961. The report of the Panel constitutes an indispensable step towards fulfilling our shared responsibility to establish the facts after these many years. I have the honour to attach herewith a copy of the report of the Panel as well as the transmittal letter of the Head of the Panel. I will make the present letter, the letter of the Head of the Panel, the report of the Panel and its appendices public subject to minor redactions to protect the personal medical information of the victims and the privacy of eyewitnesses interviewed by the Panel.

I have the further honour to briefly elaborate on the salient features of the report of the Panel and its key findings and conclusions. In accordance with its mandate, the Panel reviewed and summarized the new information made available to it and assessed its probative value. I am pleased that the Panel has determined not only whether the new information has probative value, but also the degree to which it has such value, based on four categories: nil, weak, moderate and strong. It is my considered view that these categories provide a basis on which a distinction can be made between the new information that deserves further pursuit in the search for the truth and the new information that does not.

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I am grateful to the Head and the members of the Panel for their travel to Lusaka and Ndola in Zambia. I also wish to thank the 12 surviving eyewitnesses whom they interviewed and who generously shared their time and recollections of the final stages of flight SE-BDY. The work of the Panel was facilitated by the information conveyed by the Hammarskjöld Commission in its report as set out in the annex to my note of 21 March 2014 (A/68/800). It is a testament to its due diligence and best efforts that the Panel sought and successfully obtained additional new information from the relevant national and private archives and from other prominent sources, including the former Hammarskjöld Commissioners as well as various researchers and technical experts. I also welcome the proactive approach of the Panel in reaching out to all Member States and in following up with requests for specific information to certain Member States that may have relevant records or other relevant information in their possession. This not only served to focus the efforts of the Panel on materials whose existence appears to be substantiated by the new information made available to it, but also helped to narrow the scope of the possible causes to those the plausibility of which the Panel deemed to have sufficient probative value.

I appreciate the efforts of Member States to cooperate with the Panel and wish to convey my gratitude to the Member States concerned for their willingness to provide or make available new information to the Head and/or members of the Panel. I note, however, that in some cases, Member States have not provided a substantive response, have not responded at all or have maintained the classified status of the documents in question despite the passage of time. I intend to follow up with the Member States concerned. In its report, the Panel also stated that "despite the submission of other specific information requests by the Panel to certain Member States, those States that have responded have advised that they were unable to locate any documents responsive to the requests". The Panel is explicit in its conclusion that "this is a line of inquiry that the Panel considers has not yet been exhausted". I understand this to mean that there is a possibility that unreleased classified material relating to the crash of SE-BDY may still be available. In this regard, I urge the Member States concerned to continue their search for relevant documents and information and to respond as soon as possible to the pending requests for specific information.

With regard to the examination and assessment by the Panel of the probative value of the new information made available to it, I note that new information relating to the cause or causes of death appears to uphold the propriety, findings and conclusions of the original 1961 post-mortem examination of the passengers of SE-BDY. This would appear to confirm that 15 passengers on board SE-BDY died of multiple injuries or presumed multiple injuries sustained in the crash and that the sixteenth passenger died of similar causes, albeit five days later. The lack of probative value of the other new information relating to the cause or causes of death effectively puts to rest the claims that Dag Hammarskjöld was assassinated after surviving the crash.

Similarly, the Panel's assessment of the new information relating to sabotage or hijacking as possible causes of the crash also appears to put these two hypotheses to rest, absent any additional new information that may emerge. The Panel also found that "claims made by mercenaries, or their interlocutors, and other agents that they shot or otherwise forced down SE-BDY in an aerial attack" lacked credibility. Finally, while the Panel did not receive any new information that was specifically

related to pilot error, I note the statement by the Panel that this "does not prejudice the probative value of the existing information concerning that hypothesis of the cause of the crash".

The Panel assigned moderate probative value to the following new information relevant to the hypothesis of an aerial attack or other interference as a possible cause or causes of the crash:

(a) Nine new eyewitness accounts that they observed more than one aircraft in the air at the same time as SE-BDY made its approach to Ndola, and that any additional aircraft were jets, or that SE-BDY was on fire before it impacted the ground or that it was fired upon or otherwise actively engaged by other aircraft present;

(b) The claims by two persons regarding hearing alleged intercepts or reading transcripts of intercepts of radio transmissions relating to a possible aerial or ground attack on SE-BDY;

(c) Additional information that has emerged on the air capability of the provincial government of Katanga in 1961 and its use of foreign military and paramilitary personnel;

(d) The possibility that communications sent from the CX-52 cryptographic machine used by Mr. Hammarskjöld were intercepted;

(e) The possible role of crew fatigue as a contributing factor to the crash of SE-BDY under one or more of the hypotheses of the possible causes of the crash; and

(f) Additional information that calls into question the official account of the time of discovery of the crash site and the behaviour of various officials and local authorities.

As such, the Panel ultimately found significant new information that it assessed as having sufficient probative value to further pursue aerial attack or other interference as a hypothesis of the possible cause of the crash. In particular, the Panel specifically concluded that the new eyewitness testimony, the claims of alleged intercepts and the new information concerning the air capability of the Katangan forces, as mentioned in (a) to (c) above, "may also provide an appreciable lead in pursuing the truth of the probable cause or causes of the air crash and tragic deaths".

It is my view that a further inquiry or investigation would be necessary to finally establish the facts. Such an inquiry or investigation would, however, be in a better position to reach a conclusive finding regarding the tragic events of 17 and 18 September 1961 with the benefit of the specific information requested by the Panel from the Member States concerned. I therefore urge Member States, once again, to disclose, declassify or otherwise allow privileged access to information that they may have in their possession related to the circumstances and conditions resulting in the deaths of the passengers of SE-BDY. This would be of particular relevance in regard to new information that the Panel has assessed as having moderate probative value.

To this end, I have requested my Under-Secretary-General for Legal Affairs, the United Nations Legal Counsel, to engage with the Member States concerned to

follow up on the unfulfilled aspects of the Panel's requests for specific information and to receive and review any additional new information provided by Member States or by other sources in a "focused and concerted examination" of whether it alters the probative value of the information currently in our possession. The Legal Counsel would also advise me on developments that require the attention or action of the General Assembly. I will report to the Assembly on any further progress made before the end of its seventieth session.

In this connection, and in line with the recommendation of the Panel to maintain contact with the various national and privately held archives, I have also asked the Legal Counsel to explore "the feasibility of the establishment of a central archival holding or other holistic arrangement that would enable access by electronic or other appropriate means to those records and archives by the United Nations and any other authorized parties with a view to ensuring their continued and enhanced preservation and access".

In conclusion, it is imperative that we heed the words of the Head of the Panel in his transmittal letter of 11 June 2015, wherein he states that "the final revelation of the whole truth about the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and of members of the party accompanying him would still require the United Nations, as a matter of continuity and priority, to further critically address remaining information gaps, including in the existence of classified material and information held by Member States and their agencies that may shed further light on this fatal event and its probable cause or causes".

It is therefore our shared responsibility to pursue the full truth concerning the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and the others accompanying him. To that end, I recommend that the General Assembly remain seized of this matter. This may be our last chance to find the truth. In our renewed commitment in this regard, I call on the Assembly to reiterate its message to Member States, further to paragraph 2 of its resolution 69/246, to ensure that any relevant records that remain classified, more than 50 years after the fact, are declassified or otherwise made available for review either by the Secretariat of the United Nations or by any eminent person or persons whom the Assembly may wish to entrust with this mandate.

I consider this our solemn duty to my illustrious and distinguished predecessor, Dag Hammarskjöld, to the other members of the party accompanying him and to their families.

(*Signed*) **BAN** Ki-moon

Letter of transmittal

Letter dated 11 June 2015 from the Head of the Independent Panel of Experts established pursuant to General Assembly resolution 69/246 addressed to the Secretary-General

In my capacity as Head of the Independent Panel of Experts established pursuant to General Assembly resolution 69/246 and on behalf of the other members of the Panel, Kerryn Macaulay and Henrik Larsen, I have the honour to submit the Panel's report on our examination and assessment of the probative value of new information related to the tragic death of Dag Hammarskjöld and the members of the party accompanying him, as well as our key findings, conclusions and recommendations.

We are honoured to have been appointed by you pursuant to the request of the General Assembly in its resolution 69/246 and have carried out our mandate mindful of the historical significance of that resolution in the search for the truth about the conditions and circumstances resulting in the death of the late Secretary-General and of the members of the party accompanying him.

In accordance with the terms of reference that you had issued, the Panel commenced its work on 30 March 2015 and, in the period since, has reviewed the report and materials submitted by the Hammarskjöld Commission, as well as other information received from Member States and other sources. We travelled to Zambia to interview new witnesses and to Belgium, Sweden and the United Kingdom of Great Britain and Northern Ireland to visit various governmental and non-governmental archives. We proactively sought information from all Member States and submitted specific information requests to certain Member States.

As a result of the foregoing mandate and activities, the Panel received a large amount of new information in addition to what the Secretary-General received from the Hammarskjöld Commission. We have reviewed and summarized all new information made available to the Panel and have assessed that some but not all of it has probative value. On the basis of the relevance, authenticity, credibility and/or reliability of the new information, and bearing in mind the relationship that each piece of information has to the totality of information, the Panel has also assessed the degree of probative value of each piece of new information as nil, weak, moderate or strong.

It is the Panel's ultimate conclusion that the final revelation of the whole truth about the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and of members of the party accompanying him would still require the United Nations, as a matter of continuity and priority, to further critically address remaining information gaps, including in the existence of classified material and information held by Member States and their agencies that may shed further light on this fatal event and its probable cause or causes.

Without prejudice to your prerogatives as Secretary-General and to the ultimate decision of the General Assembly, the Panel has also made several recommendations for your consideration concerning the preservation of the archives in a holistic manner; the continuation of your efforts to obtain classified records or documents from the Member States concerned; and the disposition of any new information that is received after the completion of the Panel's mandate.

It has been a distinct privilege to assist you in this important endeavour. We wish to extend our gratitude to the Deputy Secretary-General for his unwavering support. We also greatly appreciated the assistance of the Office of Legal Affairs, in particular the Assistant Secretary-General for Legal Affairs, Stephen Mathias, and Mona Khalil, Senior Legal Officer. Most of all, we are grateful for the excellent secretariat support provided by the Secretary of the Panel, Matthew Willis, and the Assistant to the Panel, Leslyn Raphael, as well as the United Nations Resident Coordinator in Zambia, Janet Rogan, and the United Nations country team in Zambia.

We also wish to place on record our deep appreciation to Member States for their constructive cooperation and hope that they will continue their own efforts to bring forth documents and other material relating to the death of the late Secretary-General and the others accompanying him, in accordance with General Assembly resolution 69/246.

We are grateful to the witnesses who graciously gave us their time and shared their recollections of the events.

We are beholden to the many experts and specialists who generously gave the Panel their time and indispensable expertise without any compensation. We must also thank Susan Williams and the Hammarskjöld Commission for their efforts in bringing this matter to the attention of the international community.

Finally, we extend our profound respect to the families of those who perished in the plane crash and for their patience in waiting for the truth about what happened on that fateful night. We hope that our efforts help to shed light in that regard.

(*Signed*) Mohamed Chande **Othman**
Head of the Independent Panel of Experts

Report of the Independent Panel of Experts established pursuant to General Assembly resolution 69/246*

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* The present report is being issued without formal editing.

I. Introduction

Background

1. Having received the report of the Commission of Jurists on the Inquiry into the Death of Dag Hammarskjöld (Hammarskjöld Commission), the Secretary-General submitted to the General Assembly, on 21 March 2014, that report along with a note providing his assessment that it includes new evidence related to the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him (see A/68/800 and A/68/800/Add.1). The Hammarskjöld Commission was a private and voluntary body of four renowned international jurists invited by an enabling committee to principally examine and report whether, in their view, evidence now available would justify the United Nations in reopening its inquiry.

2. Having acknowledged the report and considered the assessment of the Secretary-General, the General Assembly requested in its resolution 69/246 of 29 December 2014 the Secretary-General to appoint an independent panel of experts to examine new information and assess its probative value. In that resolution, the General Assembly encouraged Member States to release any relevant records in their possession and to provide to the Secretary-General relevant information related to the tragic deaths. Pursuant to the resolution, the Secretary-General announced the appointment, on 16 March 2015, of the Independent Panel of Experts (the Panel) to examine and assess the probative value of new information related to the conditions and circumstances resulting in the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him. He appointed as the Head of the Panel, Mohamed Chande Othman, the Chief Justice of the United Republic of Tanzania, as well as Kerryn Macaulay (Australia), an aviation safety expert, and Henrik Larsen (Denmark), a ballistics expert. The Panel carried out its work from 30 March to 12 June 2015. This report presents the Panel's summary, and assessment of the probative value, of the new information made available to it, as well as its findings, conclusions and recommendations.

Previous official inquiries

3. The events subject to the Panel's mandate were first examined by the Investigation Board of the Department of Civil Aviation of the Federal Government of Rhodesia and Nyasaland (the Rhodesian Civil Aviation Board of Investigation), from 19 September to 2 November 1961. That investigation was followed by a Federal Commission of Inquiry established under the Federal Commission of Inquiry Act of 1955 (the Rhodesian Commission of Inquiry), whose report was made public on 19 February 1962. Thereafter, pursuant to its resolution 1628 of 26 October 1961, the General Assembly established a UN Commission of Investigation (the UN Commission) to conduct an international investigation into the conditions and circumstances resulting in the tragic deaths. Following the publication of the UN Commission's report (A/5069), the General Assembly, in its resolution 1759 of 26 October 1962, took note of the report and requested the Secretary-General to inform it of any new evidence that may come to his attention.

Mandate and definitions

4. Pursuant to General Assembly 69/246 and the terms of reference issued by the Secretary-General, the Panel's mandate was to examine and assess the probative value of new information related to the conditions and circumstances resulting in the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him. In particular, the Panel was tasked to review the report and source materials of the Hammarskjöld Commission, as well as any relevant records released by Member States or other relevant information that might be provided by Member States or other sources; to interview witnesses and other persons who provided new information, as well as experts who can authenticate or explain technical aspects of that information; to visit the site where the incident occurred, if necessary and appropriate; and to produce a report on its findings, including with new statements from witnesses interviewed by the Panel and any new records or information provided by Member States or other sources.

5. With regard to the scope of its assessment, the Panel defined "new" information as that relating to the tragic deaths which, by virtue of its content or the timing of its availability, was not available to the UN Commission at the time of its investigation, as well as information that was available to the UN Commission but can now be seen in a new light due to the emergence of new material, scientific or technical developments or best practice.

6. The Panel defined "probative value" for the purpose of its assessment as whether and to what to degree the (new) information tends to prove or disprove, either by itself or in combination with other information, the existence or nonexistence of a fact or facts related to the conditions and circumstances resulting in the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him. In order to make such an assessment, the Panel took into account one or more of the following, non-exhaustive criteria, as applicable to the particular piece or pieces of information: the authenticity of the information (including consistency and contemporaneousness), type of information (e.g. primary, secondary, hearsay or circumstantial), its credibility (including its consistency with other information or established facts), expert technical assessments and the degree to which it is corroborated by other material.

7. With regard to assessing the probative value of the new information, the Panel used four value categories: nil, weak, moderate and strong. The selection of four categories was dictated by the nature, content, source and wide-ranging character of the new information. Of note, although an item of new information may have been assessed as weak and thus would need more information to assist in proving in and of itself the existence or non-existence of a fact or facts, such items were also viewed and assessed in the context of the totality of the information relating to the issue. In this context, the assessment of the probative value of a piece or pieces of information is not necessarily static, and can change depending on the emergence of additional new information at a later date.

8. The Panel was not mandated to carry out an investigation or to reach any findings of law.

Methodology and activities

9. The Panel organized its work according to three phases. In the first phase, it conducted a desk review of "old" and new information about the conditions and circumstances resulting in the tragic deaths, including that contained in the reports of the prior official inquiries (the Rhodesian Civil Aviation Board of Investigation, the Rhodesian Commission of Inquiry and the UN Commission); the Hammarskjöld Commission report and source materials; relevant files and records in the UN archives; and contextual information about events in and around the Congo in the early 1960s. In addition, and further to General Assembly resolution 69/246, which encouraged Member States to release any relevant records in their possession and to provide to the Secretary-General relevant information related to the tragic deaths, the Panel submitted, on 8 April, a general request to all Member States inviting them to share any such records or information with the Panel (see appendix 1).

10. To assist with its subsequent assessments of the probative value of the new information made available to it, the Panel also submitted during this phase more specific information requests, on 23 April 2015, to the Governments of Belgium, France, Germany, the Republic of South Africa, the United Kingdom and the United States (see appendices 2 to 7). In addition, to the extent possible the Panel met with representatives of those Member States to explain its requests. Further, the Panel engaged extensively with the Government of Sweden in the course of its work.

11. In the second phase, the members of the Panel travelled to various locations, from 28 April to 10 May, to gather and review information relevant to its assessment. The travels included to London to meet with the former head of the erstwhile Hammarskjöld Commission, Sir Stephen Sedley; to Oxford to review the papers of the former Prime Minister of the Federation of Rhodesia and Nyasaland, Roy Welensky, at the archives of the Bodleian Library at the University of Oxford; to Lusaka and Ndola to interview eyewitnesses to the final stages of flight SE-BDY; to Brussels to review material at the State Archives of Belgium; and to Stockholm to review materials at the National Archives of Sweden and the Royal Library of Sweden, as well as to meet with former Hammarskjöld Commission member, Hans Correl, and voluntary Swedish researchers, Goran Björkdahl and Hans Kristian Simensen. The Panel considered that searches for and reviews of the materials at the national archives of France, Germany, the United Kingdom and the United States were covered by its respective specific information requests to those Governments and the research of other persons with whom the Panel consulted.

12. Also during this phase, the Panel met in New York with former Hammarskjöld Commission member, Richard Goldstone, and United Kingdom academic and historian, Dr. Susan Williams, whose book, *Who Killed Hammarskjöld?: The UN, the Cold War and White Supremacy in Africa* (2012) inspired the establishment of the Hammarskjöld Commission and served as a source from which that Commission drew material.

13. In the third phase, the Panel summarized the new information, carried out assessments of its probative value and drafted a report on its findings. In assessing the probative value, the Panel relied on a range of approaches particular to the type and nature of the information. This included, inter alia, drawing from technical assessments provided by expert specialists. The Panel obtained, in this regard, expert assessments related to medico-legal information from the Deputy Chief Forensic Pathologist of the Institute of Forensic Pathology, University of Southern

Denmark, Professor Peter Juel Thiis Knudsen; the Chief Forensic Pathologist of Ontario and Professor of Laboratory Medicine and Pathobiology at the University of Toronto, Professor Michael S. Pollanen; and the Director of the Centre for Forensic and Legal Medicine at the University of Dundee, Professor Stewart Fleming. In regard to ballistics information, the Panel obtained assessments from Detective Inspector and Firearms Examiner at the National Centre of Forensic Services in Denmark, Egon Poulsen, and the United States Federal Bureau of Investigation (FBI), who in turn consulted with the United States National Transportation Safety Board (NTSB).

Structure of the report

14. This report presents a substantive summary of the new information made available to the Panel relating to the conditions and circumstances resulting in the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him. Furthermore, it sets out the Panel's assessments of the probative value of that new information.

15. More specifically, the first section summarises and assesses new information related to the cause or causes of the tragic deaths, organising it around two categories: death due to multiple injuries or presumed multiple injuries resulting from the aircraft crash and death purportedly resulting from some other cause or causes. The report then reviews and assesses new information from eyewitnesses to the final stages of the flight of SE-BDY, in particular as it relates to possible external interference resulting in the aircraft crash. It then summarises and assesses the probative value of the new information related to four hypotheses for the cause of the crash of SE-BDY, these being pilot error, external attack or threat, sabotage and hijacking. The Panel did not receive any new information that was related, in and of itself, to pilot error, or what the UN Commission described in its report as "human failure", as a possible cause of the crash. This does not prejudice the probative value of the existing information concerning that hypothesis of the cause of the crash. The next section provides a summary and assessment of new information related to the possible role of human factors in the crash that is of probative value in respect of the various hypothesis for the cause of the crash. The penultimate section of the report reviews and assesses new information about the activities of officials and local authorities. The final section sets out a summary of the Panel's overall findings, conclusions and recommendations.

16. The Panel wishes to note that it considered it necessary, to provide consistency of presentation with the reports of the official inquiries and the Hammarskjöld Commission, and to ensure the coherency of this report, to arrange the new information around the issues or clusters of subjects around the causes or probable causes of the aircraft crash as considered in the reports of the earlier inquiries and on which new information has been made available to the Panel. Such an approach is intended to facilitate a better appreciation of the substance and relevance of the new information and should not be understood as an endorsement of any particular theory of the cause or causes of the aircraft crash or the tragic deaths.

17. The Panel also wishes to note that it has made its best efforts to summarize, as accurately and concisely as possible, within the short period of its mandate, the new information made available to it from among the volumes of information provided by the United Nations Secretariat, including the report and source materials

conveyed to the Secretary-General by the Hammarskjöld Commission, as well as by Member States, national and private archives and a variety of other sources. Moreover, the Panel notes that its summaries reflect the information it has received and, while it did not have sufficient time or resources to verify the veracity of every aspect of the information provided to it, the Panel has nonetheless sought to the extent possible to assess the authenticity and credibility of that information in its assessment of the probative value thereof.

II. New information about the causes of death

18. Since the conclusion of the UN Commission in 1961, new information that has surfaced attempts to interrogate some of the causes of death of the persons on board the aircraft, as established in the post-mortem medical examinations conducted by the Rhodesian authorities. There is also a nexus between the causes of death and the air crash, in terms of whether they occurred during or after the crash. In assessing the probative value of the new information, the Panel organized the material around two categories of causes of death, namely, (a) death due to multiple injuries or presumed multiple injuries resulting from the aircraft crash and, (b) death purportedly resulting from some other cause or causes. On the former, post-mortem medical examinations conducted by pathologists in Northern Rhodesian, from 21 to 24 September 1962, and under the Inquests Ordinance, reveal that, with the exception of a UN Security Officer (AAA), who died on 23 September 1961, and whose cause of death was attributed to renal failure due to extensive burns following the aircraft crash, the cause of death of the fifteen other persons on board the aircraft was found to be multiple injuries or presumed multiple injuries arising from the air-crash.

19. The autopsy reports should be read together with the Report on the Medical Investigation of the Accident to Transair DC6B on the night of 17-18 September 1961, prepared by Drs. H. Douglas Ross, P.J. Stevens and J. Hillsdon Smith for the Rhodesian Commission of Inquiry. With regard to the latter, a claim on the cause of death presented in the new information is to the effect that Hammarskjöld suffered a fatal gunshot injury to the forehead after the air crash, and another allegation that the extensively incinerated body of one the Swedish soldiers accompanying him (BBB) had a bullet wound in the left leg.

Bullet wounds and other injuries

20. The new information on the claim that Hammarskjöld's body had a round hole in the forehead was revealed in an interview published in Swedish newspaper *Aftenposten*, on 28 July 2005. Therein, Major-General (Rtd.) Bjorn Egge (deceased), a Norwegian military officer deployed to the United Nations Operation in the Congo (UNOC) at the time of the tragic deaths, and who was specifically sent by the UN to Ndola immediately after the air crash to collect Hammarskjöld's cypher machine and briefcase, asserts that when he viewed Hammarskjöld's non-scorched body at Ndola Hospital, he saw a round hole in the forehead. The inference sought to be drawn from the above was that the former Secretary-General had not died in or as a result of the air-crash, but had survived it and been shot and killed thereafter. Relying on information from the book, *Drommenes palass: Trygve Lie og Dag Hammarskjöld-en berating* [*Palace of the Dreams: A story on Trygve Lie and Dag Hammarskjöld*] (2000), by Bodil Katarina Naevdal, Egge further stated that in one

of the photos taken of the body, this hole had been heavily retouched such that it is not discernible.

21. Neither the reports of the Rhodesian Commission of Inquiry or the UN Commission indicate whether or not these inquiries were aware of or had considered Egge's claim. Similarly, there is no indication that Egge shared, with any United Nations official, his alleged observations about Hammarskjold's forehead at Ndola Hospital at that time or immediately thereafter.

Assassination on the ground by mercenaries

22. This information sits alongside additional claims by a number of former mercenaries alleged to have said or admitted to having shot dead Hammarskjold or some of the members of the party accompanying him, at the crash site after the aircraft had come down. One piece of new information disclosed by Keith Howard Osmond is that, in June 1999, following a Duke of York School class reunion on 12 August 2013; he met his schoolmate, Colin John Cooper, at the Holiday Inn, in Taunton, United Kingdom. The latter had confided in him that the crash was staged, and that he and a South African mercenary he referred to as Swanepoel had been detailed to ensure that Hammarskjold had died in the crash. He further stated that upon hearing the aircraft crash, he and several colleagues jumped into a land rover and made their way to the crash site, where they were the first persons to arrive. Swanepoel went on to say that Hammarskjold and two of his bodyguards had survived the crash, and that he allegedly shot and killed Hammarskjold and the two other survivors. Then Swanepoel and his colleagues apparently riddled the wreckage with bullets. Cooper is also alleged to have stated that he was paid a Coca-Cola bottle full of diamonds for his services.

23. Questioned earlier by Norwegian Police at Oppegard Bailiff's Office, in November 2005, Cooper told them that he applied to be a mercenary in Katanga, and that when he was in Elizabethville he had shared a hotel room with a South African mercenary with a police or military background by the name of Swanepoel. One night when Swanepoel was drunk and emotional, he boasted that he had participated in killing Hammarskjold after the crash and shot his bodyguard, who had hitherto survived, as he tried to pull himself out of the site; as well as that everyone on board the plane, including Hammarskjold, had many bullet wounds. Information made available to the Panel indicates that the Katangese authorities had in their service an estimated 500 mercenaries at the time of the crash. Mercenaries were also present at Ndola airport, on 17 September 1961.

24. The material provided to the Panel by the Hammarskjold Commission contains information that a person by the name of John Benjamin Ebrnezar Swanepoel was questioned by a UN investigation Officer, Major A. Erikson, on 26 December 1962. J.B.E. Swanepoel told the investigator that he was an employee of the Katangese Gendarmerie and that had re-entered Katanga in mid-July 1961 and stayed until October 1961, after which he was hospitalized in Kolwezi following the sustainment of an injury incurred during a hunting expedition. It also contains an attestation that J.B.E. Swanepeol was repatriated by the United Nations from Elizabethville, on 21 March 1963. The Panel is not in a position to determine from the information made available to it whether J.B.E Swanepoel was one and the same person referred to by Colin John Cooper or Keith Howard Osmond.

25. In connection with its assessment of the probative value of the new information, the Panel sought the assistance of the Government of the Republic of South Africa with identifying and assessing the authenticity of the information implicating Swanepoel. More specifically, the Panel requested, on 23 April 2015, that the competent South African authorities search for and share with it any information they may have in their possession relating to the claim, as well as any other relevant information they may have about the existence and activities of one or more South Africans working as mercenaries in Katanga in 1961 with the name Swanepoel (see appendix 5). At the time of writing, the Panel was yet to receive a response.

26. That said, considering the contradictory and highly divergent accounts given by Osmond and Cooper, which goes to the root of the issue; their imprecise and vague identification of a mercenary by the name of Swanepoel, a common name in South Africa; and as we shall soon highlight, the findings and conclusions of the post-mortem medical examinations, including the expert forensic opinion, the Panel found that the probative value of the new information alleging that mercenaries named Swanepoel or Cooper shot dead Hammarskjold at the crash site is of nil probative value.

Hammarskjöld: found alive or dead

27. In October 2010, John Ngongo, an eyewitness to the tragic event, provided a statement to Swedish researcher, Goran Bjorkdahl, stating that he had been in the bush with a now-deceased colleague learning how to make charcoal on the night of the crash. He recalled that the aircraft had crashed 300 metres from their shelter. At around dawn they went to the crash site, where he saw a man leaning against an anthill with his hands behind his head. He seemed to be alive but struggling to survive. No injuries were noticed on his body.

28. In a statement given to Swedish researchers, H.K. Simensen and K.G. Hammer, over a year later, on 15 December 2011, he stated that the person he had seen lay dead. In a later statement made to Bjorkdahl on 23 February 2011, he gave the distance between the wreckage and where he was as 500 metres and that the person he had seen was not alive. In yet another statement, this time to the Hammarskjold Commission, on 13 June 2013, Ngongo stated that the person he saw was in the backward lying position with his hand back (behind his head) and, although it was a bit of a distance, he believed the person was dead.

29. Much as it cannot be disputed that Ngongo was at the crash site; considering that he went there at around 0500 hours, some five hours after the incident; the material contradictions between his first statement and the subsequent statements about whether or not the person he saw was alive or dead; the smouldering state of the wreckage, the ensuing explosions and the safety risk involved in approaching it; the improbability that at that time he know who Hammarskjöld was; and the medical information that he had died instantaneously, the Panel assigned nil probative value to his original claim that the person he saw at dawn at the crash site was alive or struggling to be alive.

Bullet injury to one of the soldiers

30. An Assistant Inspector in the Northern Rhodesia Police Force at the time of the tragic event, Adrian Eden Begg, informed the Hammarskjöld Commission, on

25 January 2013, that when he visited the crash site to assist in the search of the wreckage, on 19 September 1961, he discovered the body of a Swedish soldier concealed beneath the debris, whom he thought was a soldier (BBB) and whom he photographed. The body was extensively burnt and appeared to have a bullet wound in the left thigh. The remains of a 9-mm sub-machine gun were in the wreckage nearby. He believed that the leg injury might have been caused either by the explosion or discharge of ammunition carried by the soldier.

31. Begg also claimed that while he was at the crash site he photographed the soldier's body. In fact, the photograph he had taken was the body of another victim of the crash (CCC), who wore a blue and white United Nations arm band on his left arm, and not that of the Swedish soldier (BBB).

32. The post-mortem examination of the person that Begg actually saw and photographed (CCC) noted his cause of death as due to multiple injuries due to the crash. He had a fracture of the right femur, and the right lower leg had "very great loss of tissue on the lower half, posterially, medially and laterally" and his ankle joint had a fracture dislocation. On the left leg, there was a gaping wound of the lateral aspect of the mid-thigh, but the femur was intact.

Post-mortem medical examinations

33. In assessing the probative value of the new information related to the cause of death, the Panel noted that both the Rhodesian Commission of Inquiry and the UN Commission placed significant reliance on the findings of the post-mortem examinations and the Medical Investigation Report prepared by Drs. Ross, Stevens and Smith. The Rhodesian Commission of Inquiry was of the view that Hammarskjöld, who was thrown clear of the aircraft and out of the area of fire, and eight of the other persons on board were killed in the crash. Some of the others (with the exception of AAA) who were not killed by impact were at least rendered unconscious and unable to escape. It was the Rhodesian Commission's finding that Hammarskjöld had died instantaneously. Bullets and other projectiles discovered in the bodies of two of the Swedish soldiers (DDD and BBB) were found to have resulted from ammunition carried by the soldiers that exploded as a result of the fire. The ballistics examination also revealed that none had passed through a "rifled" barrel of a gun. The UN Commission expressed similar views about the matter.

34. After a study of available medical information, and in an opinion given on 11 May 2011 to Dr. Williams, Fellow of the Royal College of Pathologists (United Kingdom), Dr. Robert Ian Vanhegan, opined that no foreign bodies were found in Hammarskjöld's X-rays, which would have shown metal fragments such as bullets, and that there was no medical evidence of a penetrating head wound. Dr. Vanhegan was of the view that the orientation of the bullets found in tissues in the two soldiers (DDD and BBB) did not suggest they had been fired from a gun and did not show any rifling marks. He concluded that there was no evidence from the post-mortem examinations of all of the bodies that any person was deliberately shot or that gunfire played a part in causing the air crash.

35. The Hammarskjöld Commission also sought the expert opinion of three distinguished pathologists, namely, Professor Lennart Rammer of Linkoping; Professor Christer Busch of Uppsala and Dr. Deryk James of Cardiff. In their joint opinion, rendered on 24 July 2013, they concluded (after studying the available

medical and other relevant information but without having the benefit of the autopsy X-rays) that there was no evidence from the autopsy reports that Hammarskjöld had been shot, subjected to explosion or exposed to smoke. In their opinion, the post-mortem examinations strongly indicated that the most important cause of death was the "crush injury" to the chest with multiple fractures of the ribs, sternum and thoracic spine, with bleeding into the pleural cavities; all of which would have led to respiratory failure due to unstable chest wall ("flail chest"). It was their opinion that the appearance of the injuries strongly suggested they were caused by decelerating force during ejection from the aircraft and the subsequent impact of the body against the ground. The presence of injuries also suggested that Hammarskjöld was alive when the injuries were sustained. In their view, survival would have been expected to be only brief, though it was not possible to give a definite estimate, and that Hammarskjöld was probably unconscious from his head injury after the impact.

36. Given the claims arising out of the new information on the cause of death; the nexus of that issue with the air-crash, and the questions raised on the propriety of the original post-mortem medical examinations by Drs. Ross, Stevens and Smith, the Panel found it appropriate to seek the opinion of three independent and renowned forensic experts.

37. The Deputy Chief Forensic Pathologist of the Institute of Forensic Pathology at the University of Southern Denmark, Professor Peter Juel Thiis Knudsen, came to the conclusion that there were compelling indications, if not evidence, that Hammarskjöld was alive when he suffered the fractures; and that a gunshot wound to the head, particularly one that was inflicted before the aircraft crashed, is very unlikely. He was of the view that, judging from his injuries, it is unlikely Hammarskjöld should have survived the crash for more than a few seconds at most, and a gunshot wound to the head after he died is also very unlikely and contradicted by the autopsy findings. He opined that the suspicion of a gunshot wound to the head is purely speculative and supported in no way by the autopsy. He concluded his opinion with a caveat that the lack of gunshot wounds to Hammarskjöld's body or the other deceased persons, with the exception of the wounds from exploded cartridges, does not exclude the possibility that the aircraft was shot down.

38. Chief Forensic Pathologist of Ontario and Professor of Laboratory Medicine and Pathobiology at the University of Toronto, Professor Michael S. Pollanen, was also of the opinion that the deaths of all of the occupants in the aircraft can be explained by injuries sustained in the crash or post-crash fire; that there is no medical evidence Hammarskjöld sustained one or more gunshot wounds to the head and that the metallic debris embedded in the two soldiers aboard the aircraft, including bullets and fragments of cartridge cases, are explained by post-crash thermal ignition of live ammunition contained in the aircraft, ignited by the post-crash fire, rather than from gunshot wounds. Further, he assessed that the deaths did not occur prior to the aircraft crash, in that the injuries of the aircraft's occupants were sustained in the air crash and occurred while they were alive and explained the deaths. He was of the further opinion that the autopsy reports do not provide any evidence to determine what caused the aircraft to crash. He opined that there are no medical or scientific grounds for exhuming Hammarskjöld's body or that of any of the deceased. Pollanen agreed with the findings and conclusions reached by Drs. Ross, Stevens and Smith, which were arrived at after a pathological examination of the bodies at the crash site, radiological examinations, external and internal examinations, and laboratory examinations (histology and toxicology).

39. The new information, including that by Egge, also endeavours to cast doubt on the propriety of the autopsy reports, which Egge claimed had been removed from the case documents when he visited Ndola Hospital immediately after the crash. In the Panel's view, the verified existence of the autopsy records among the Roy Welensky papers in the archives of the Bodleian Library; of the autopsy records in the archives of Dr. J. Hillsdon Smith at the Ontario Chief Pathologist's Office in Toronto; and those of Dr. Hugh Douglass Ross at the University of Dundee fatally undermine any probative value that that claim may have had. With regard to the availability and accessibility of medical archives, the Panel wishes to commend the decision of the Government of Sweden to declassify the Medical Information Report held at the National Archives of Sweden. Similarly, the Panel appreciated the decision of the University of Dundee to authorise the release and make available to the Panel for its review the relevant medical records held in its archives.

40. Commissioned by the Panel to examine the archives of Dr. Ross, held at the University of Dundee Archive Services, the Director of the Centre for Forensic and Legal Medicine at the University of Dundee, Professor Stewart Fleming, identified two pieces of primary medico-legal evidence, namely, a complete set of original X-ray, consisting of 200 X-ray films of all 15 victims of the air-crash and X-rays of the ankle fracture of Sergeant Julien; and a large chart entitled "Analysis of Pathological Findings on Victims of Accident of UN Aircraft at Ndola on 17/18 September 1961" (the Chart), which consists of a record of the pathologist's notes from the autopsy examinations of all 16 victims that are believed to have been written contemporaneous to the post-mortem examinations.

41. Having examined the primary evidence, in particular all of the 200 X-rays, and checked the traumatic injuries against those recorded in the Chart and in the Medical Investigation Report, Professor Fleming opined that all injuries were correctly recorded by the pathologists at the time of the post-mortem examinations. Furthermore, in regard to Hammarskjöld, he was of the view that the severity of the chest trauma was evident in his X-rays and was due to crash injury to the chest. Based on these findings and Dr. Ross's post-mortem description of the thorax, vertebrae, neck and head of the victim, he was led to the conclusion that death was due to ventilatory failure brought about by a crush injury to the chest. He considered that survival following the accident would have been brief and that the victim would almost certainly have been unconscious as a consequence of the head injury described in the Medical Investigation Report. After studying Hammarskjöld's skull X-rays, he concluded with certainty that there was no bullet wound to Hammarskjöld's forehead, as had been claimed by Egge.

42. The Medical Investigation Report acknowledges that Egge officially identified Hammarskjöld's body at Ndola Hospital. His corpse was also viewed by Knutt Hammarskjöld, his nephew. Considering the relevant information; the non-immediate reporting by Egge to United Nations authorities who had purposely sent him to Ndola, or to his Norwegian military supervisors, about what he alleged to have seen on Hammarskjöld's forehead at Ndola Hospital; the unexplained delay in disclosing the alleged new information; the concurrence of the opinion of forensic experts consulted by the Swedish Royal Medical Board (Dr A. Frykholm and Dr N. Ringertz) as part of the UN Commission's investigation; and the respective experts consulted by Dr. Susan Williams, the Hammarskjöld Commission and this Panel, who essentially agree on the correctness, propriety and conclusions of the original autopsy reports prepared by Drs. Ross, Stevens and Smith, the Panel is of the view

that Egge's claim that Hammarskjöld had a bullet hole in his forehead has nil probative value.

43. Further, considering the mistake by Begg in the identification of the victim, and the belief that the person he saw had bullet wounds, which is in variance with the autopsy report, the Panel found the new information provided by him as having nil probative value.

44. For completeness, it may be added that while the respective forensic experts consulted by the Hammarskjöld Commission and by the Panel generally also agree that the post-mortem examinations conducted by Drs. Ross, Stevens and Smith were rather brief and the details of the appearance, size and position of some of the injuries were described more in summary than they would have been if conducted according to current forensic standards, they also underscored the point that they were of good quality, professional, and that they accurately and completely documented all of the injuries that can also be seen in their respective X-rays, and were probably in line with what were then the prevailing standard.

45. With regard to the additional claim supported by Egge that one of Hammarskjöld's photographs was heavily retouched to cover up a bullet wound to his forehead, the Panel was unable to locate the original photographs or the negatives of Hammarskjöld forehead or body taken either at the crash site or at the Ndola Hospital Mortuary to enable a technical assessment of such a claim. Moreover, the Panel was unable, due to a lack of complete identifying information, to ascertain the authority and expertise of the scholar referred to in the *Aftenposten* newspaper article and on whom Egge based his assertion. Dr. Vanhegan, who had viewed three of Hammarskjöld's photographs, expressed the view that it is not possible to determine how the body lay at the time it was found, nor how near it was to the point of impact of the aircraft when it crashed. Considering all of the above, and the nature of the unsubstantiated allegation, the Panel found that the probative value of the new information claiming that one of the photographs of Hammarskjöld was "heavily doctored" to be weak.

III. New information from eyewitnesses to the final stages of flight SE-BDY

46. Since the conclusion of the UN Commission, a total of 12 witnesses to the final stages of the flight of SE-BDY who did not provide information to that inquiry, or any of the other official inquiries, have provided statements about what they observed on the night of 17-18 September 1961. Those statements were first obtained through interviews by private and voluntary researchers and then, in the case of seven of the witnesses, again by the Hammarskjöld Commission in May 2013. While the statements of all 12 witnesses were made available to this Panel, it interviewed six of the new witnesses itself in Zambia, in May 2015. The remaining six of the 12 new witnesses were not interviewed by the Panel because they had either passed away, were unavailable due to health reasons or had previously provided statements that were based solely on hearsay. The new witnesses cited as reasons for not testifying at either the UN Commission or the other official inquiries that they were not made aware at the time that witnesses were being sought or they were reticent to do so for fear of some form of recrimination.

47. Of the 12 new witnesses, five (Custon Chipoya, Kankasa, Mwebe, Ngongo and Ngulube) referred in their statements to having observed more than one aircraft in the air at the time they believe they saw a large aircraft, assumed to be SE-BDY, making an approach to land at Ndola on the night of 17-18 September 1961. Seven of the witnesses (Custon Chipoya, Kankasa, E. Mulenga, S. Mulenga, Mwebe, Ngongo and Ngulube) claimed that the large aircraft was on fire prior to crashing to the ground. Despite being just two to three kilometres from the crash site, two witnesses (Mwansa and Chimema) stated that they did not observe a second aircraft (or third, for that matter) or signs of a fire on the one aircraft they did see in the air.

48. The Panel noted from its review of all of the witness statements, including those provided by witnesses who testified at the official inquiries, in 1961 and 1962, that much of the content of the new witness statements is not entirely new in that several of the witnesses who testified at the official inquiries also reported observing one or more aircraft in the air in addition to SE-BDY as the DC6 was manoeuvring to land at Ndola. Some of these witnesses also reported observing what they believed was SE-BDY on fire while still airborne. The Panel nevertheless considered the contents of the statements made by the new witnesses as new information on the basis that it is from sources not heard by the UN Commission or the official inquiries that preceded it.

49. In addition, the Panel revisited the statements of what the Rhodesian Commission described as the "African" witnesses, assessing that the testimony they provided was either treated unfairly or inconsistently, was at times held as unreliable without sufficient reasons, was regarded with extreme suspicion because of the holding by the witnesses of nationalistic or political feelings or because the witnesses were disregarded merely for not reporting immediately to the authorities what they saw even though they satisfactorily explained their reasons for not doing so. In that connection, the Panel agreed with the Hammarskjöld Commission that, with respect, the UN Commission appears to have been conservative in the selection of witnesses it heard and that it relied too heavily on the Rhodesian Commission of Inquiry in this regard, which the Hammarskjöld Commission described as "a less reliable predecessor". For these reasons, the Panel considered that the information provided by such witnesses was "old" information that could now be seen in a new light for the purposes of the Panel's assessment.

Summary of the new witnesses' observations

50. The following is a summary of the observations provided by the 12 new eyewitnesses to the final stages of flight SE-BDY, as presented in statements to the Hammarskjöld Commission, private researchers and, in the case of six witnesses (Custon Chipoya, Kankasa, E. Mulenga, S. Mulenga, Mwebe and Ngulube), the Panel itself. The summaries are organised around the locations from which the witnesses made their observations on the night of 17-18 September 1961.

51. Four new eyewitnesses to the final stages of the flight of SE-BDY were charcoal burners attending to their kilns in the forest near the crash site on the night in question. The first of these (Ngongo) reported that sometime after 2000 hrs (local time) he observed a large aircraft in the air with a second aircraft flying in close proximity to it. He described the second aircraft as a small jet based on the sounds he heard. He recalled seeing that the large aircraft was on fire, in particular the engine and wings, before it crashed. He noted that he heard the second aircraft leave

the area after the large aircraft had impacted the ground. The witness claims to have gone to the crash site at dawn. Upon arrival, he observed that there was nobody around and that the aircraft wreckage was smouldering. He claims to have seen the body of Hammarskjöld set against an anthill.

52. The second new eyewitness (Custon Chipoya) recalled that around midnight he witnessed a large aircraft circling in the air. As it circled for the third time, he saw a small aircraft he described, because of its speed and sound, as a jet. The witness then described seeing fire going from the small aircraft toward the large aircraft. He heard a big bang, following which the large aircraft caught fire and then crashed. The witness claims to have gone to the crash site at dawn, where he observed police and soldiers present. He reported that many of the bodies of the victims had already been removed, including that of Hammarskjöld, as had parts of the aircraft wreckage.

53. The third of the new eyewitness in the forest on the night in question (Moses Chimema) recalled observing a large aircraft in the sky, sometime between 1900 and 2200 hours. He went on to recount that the aircraft's wing "bashed into trees" as it turned and then crashed. The witness made no comment in his statements about having seen the aircraft on fire while it was airborne. Having gone to the crash site at 0900 hours on 18 September, he observed that the aircraft was still burning and that there were police present.

54. The fourth new eyewitness at this location (Lumayi Chipoya) stated that she saw a helicopter with smoke coming out of its tail circling in the area two or three times, after which it "fell down". The witness recalled that she visited the site shortly after the crash, where she observed police and soldiers present.

55. Two of the 12 new eyewitnesses (Kankasa and Margaret Ngulube) were located at Twapia (7 km south-east of the crash site), under the flight path of aircraft approaching to land on runway 10, the runway in use at Ndola airfield on the night of 17-18 September 1961. The first of these (Kankasa) recounted being called by her husband, sometime between 2100 and 2200 hours, to quickly come out of the house to see something happening in the sky. Upon doing so, the witness saw what she said looked like "two army jets" pass overhead the house heading toward the airport. She did not see the large aircraft while it was airborne, but saw flames in the distance in the direction of the crash site. She did not visit the crash site.

56. The second new eyewitness who was at Twapia (Margaret Ngulube) recalled seeing two aircraft in the area, one being smaller than the other, between 1800 and 2100 hours. She noted that both aircraft were heading toward the airport from the west when she saw them. As the small aircraft passed the large aircraft, the wings of the large aircraft caught fire and then "dropped down". The witness stated that she is not sure where the smaller aircraft went after the large aircraft had disappeared out of sight. She did not go to the crash site.

57. Three of the new eyewitnesses were located at Chifubu (10 km north-east of the crash site and five km north-east of the outbound leg of the instrument approach to Ndola airfield). The first of these (Safeli Mulenga) saw an aircraft coming "from the Congo", between 2000 and 2100 hours, that was larger than normal in size. He observed the aircraft circling and, on its third round, turning toward the airfield. The witness stated that the top of the aircraft, but not the wings, then caught fire. He remarked that it looked as though the fire had "come from somewhere else" and was

like "lightning". The witness did not observe any other aircraft in the air that evening. He went to the crash site one or two days after the crash, where he observed markings on the ground where the bodies had been.

58. The second eyewitness located at Chifubu (Emma Mulenga) recalled observing an aircraft come from the west, sometime between 1900 and 2000 hours, which caught her attention because it was circling. On its third orbit, she saw a flash, like lightning, hit the aircraft from above. The top of the aircraft then caught fire. The fire increased in intensity as the aircraft dropped out of the sky. The witness did not hear any other sound or see any other aircraft in the vicinity. She did not go to the crash site.

59. The third eyewitness at this location (Dickson Mwebe) recalled seeing an aircraft approach the airfield from the east and start to circle at what he estimated to have been between 1900 and 2000 hours. On its second round, the aircraft was joined by another, smaller aircraft that he described as a jet because of its speed and sound. Soon thereafter, the witness saw a flash emanate from the small aircraft toward the large aircraft, hitting the top of the wings of the large aircraft and causing it to catch fire. The small aircraft then departed the area toward the northwest. The witness went to the crash site at approximately 0600 or 0700 hours, on 18 September, where he observed police and soldiers at the site. He noted that the site was cordoned off with red tape and that there was red paint on some of the trees. A body was lying near an anthill.

60. Three new witnesses in other locations also provided statements. The first of these (Joseph Kalupentala) recounted a story told to him in 1987 by his then boss (Chikabouya), in which the boss stated he was detained and threatened by armed "white soldiers" when he visited the crash site on the night of 17-18 September. The witness described himself as a smuggler at that time. He stated that his boss had added that the soldiers were Belgian and had shot down the aircraft.

61. Another of the eyewitnesses in this group (Douglas Mwansa) stated that at some stage while he was in his house in Kamensho Mpanshi (3 km south-west of the crash site), on the night of 17-18 September 1961, he heard an aircraft approaching from the west. After briefly departing, the aircraft returned heading in the opposite direction, following which he heard an explosion. Upon hearing this, the witness immediately ran outside, where he found his wife pointing in the direction of the crash. The witness did not offer any further information about his observations of the crash sequence, describing his location as being "a bit far from the crash site". He claimed to have gone to the site at around 0700 hours on 18 September, where he observed police present. Further, he noted that the site was cordoned off and that the bodies had been removed.

62. The third eyewitness in this group (Abraham Kunda) observed an aircraft circling in the sky three times on the night of 17-18 September. He noted that soon thereafter the airport lights went out for the remainder of the evening. At around the time the lights went out, the aircraft was heading toward Ndola Hill (12 km west of Ndola airfield). The witness then went back into his house, which was located at Masala, an area he described as being "200 to 300 yards" from the airport. He visited the crash site sometime on the afternoon of 18 September, but did not provide any observations of that visit.

Factors affecting the probative value of the new eyewitness statements

63. Significant events, such as that which occurred on the night of 17-18 September 1961, can leave a vivid and lasting impression on eyewitnesses to those events. The reliability of eyewitness testimony, and thus its probative value, generally depends on a number of variables, these being: the extent of the opportunity for observation or identification; whether the conditions and circumstances for observation were favourable or not; and the impact that the passage of time may have on human memory and recollection of past events. While it is possible for a witness's account of his or her visual observation, recognition or identification to be given honestly and with strong conviction, the probative value of the information in the statements of the new witnesses must be assessed in light of the foregoing factors.

64. Regarding the considerable variations in the witnesses' statements about the times at which the various events they recall seeing or hearing occurred, both among themselves and as compared with other information available, the Panel did not place significant weight in its assessments of probative value on this aspect of their testimony. This was arrived at on the basis that many of the witnesses relied on imprecise indications of time, such as the observance of habits in their work and domestic life, as opposed to clocks or watches.

65. The UN Commission established, based primarily on the time the victims' watches stopped, that the crash occurred shortly after midnight, when the moon was within minutes of dipping below the horizon. According to meteorology information and multiple witness statements, it was a clear and almost calm night. Nevertheless, the Panel considered the possibility that the ability of witnesses located further from the crash site than others to accurately identify some of the details they described may have been affected. Conversely, those witnesses who were nearer the crash site, in particular those who were tending to their charcoal kilns in the forested area in which the aircraft crashed, may have been better placed to hear and observe the last moments of the crash sequence yet may not have had complete field of vision because of the surrounding forest canopy and close proximity of SE-BDY.

66. The Panel assessed that the variations in the number of aircraft observed by the witnesses does not necessarily mean that some witnesses' observations were accurate and others were not. Factors such as the time at which they observed the sequence of events and their location may have influenced what they saw in regard to the number of aircraft in the area at any given time. Further, while not very familiar with the specific technical aspects of aircraft and aviation, nearly all of the witnesses stated that they had regularly observed aircraft manoeuvring in and around Ndola airport in the past. As such, some witnesses offered their views, based on their experience, about whether any of the aircraft they observed on the night in question were jets.

67. While noting that some caution must be applied to the eyewitness information because of factors such as those described in the preceding paragraphs, the majority of witnesses provided first-hand accounts of what they genuinely believed they had observed and must be afforded the opportunity to have aspects of their observations tested against the body of available information.

68. Moreover, in some cases, the observations of the new eyewitnesses related to different issues or events under consideration by the Panel and, therefore, aspects of

their information were assessed by it according to the criteria outlined earlier, as having a higher or lower probative value than other aspects of the same body of information they provided.

69. Recalling its mandate to examine and assess the probative value of new information related to the conditions and circumstances resulting in the tragic deaths of those on board SE-BDY, and considering the content of the witnesses' statements, the Panel considered the degree to which the information provided by the new witnesses helps to establish the following: that there was more than one aircraft in the air at the time SE-BDY made its approach to Ndola, that any aircraft present other than SE-BDY was a jet, that SE-BDY was on fire before it collided with the ground and whether SE-BDY was fired upon or otherwise actively engaged by one or more other aircraft. On these questions, the Panel found that the probative value of the new information provided by nine witnesses is moderate, and that of three witnesses (Lumayi Chipoya, Kalupentala and Kunda), whose purported observations were grossly inconsistent with other available information or based almost entirely on hearsay, is nil.

70. The Panel will return to the witnesses' observations about the crash site in the section in this report titled new information about the activities of officials and local authorities.

IV. New information about an aerial or ground attack or other external threat

71. The UN Commission of 1962 stated in its report that it "carefully examined the possibility of SE-BDY having been shot down by another aircraft or by an attack from the ground". Further, it considered "the possibility that the crash may have resulted from evasive action or from momentary distraction of the pilot by an attack of feigned attack from the air or from the ground". The Commission found in this regard, "no evidence to support such a hypothesis"; although it could not rule out the possibility such an attack had taken place. Since then, several pieces of new information related to the hypothesis that another aircraft shot down SE-BDY or otherwise threatened the aircraft in a manner that caused it to crash have come to light. Further, the Panel noted also that the Commission had been informed that "no radar watch was maintained in the Ndola area during the evening and night of 17 September 1961 and, therefore, the possibility of an "unknown aircraft" cannot be entirely excluded".

Interception of radio communications I

72. Among the new information are statements made by former United States Navy Commander, Charles Southall, to Dr. Williams and the Hammarskjöld Commission on several occasions between 2009 and 2013 about having heard a recording or read a transcript of radio communications in which a pilot purportedly reports sighting and then shooting down an aircraft, assumed to be SE-BDY, on the night of 17-18 September 1961. While some minor details vary slightly between his various accounts of the communications, the Hammarskjöld Commission quotes Southall as having heard or read the following:

> "I see a transport plane coming low. All the lights are on. I'm going to go down to make a run on it. Yes, it's the Transair DC6. It's the plane. I've hit it. There are flames. It's going down. It's crashing."

73. Southall goes on to state that his Communications Watch Officer or another officer present at the time he encountered the communications told him that a Belgian pilot known as the "Lone Ranger", flying a Fouga Magister aircraft used by Katangese forces, made the transmission and that the pilot "must be waiting for Hammarskjold's plane". Southall stated that he cannot recall whether he received the information by listening to an audio recording or reading a transcript thereof. He recalled hearing or seeing the information approximately seven minutes after the time of the actual transmission, based on "the relay factor". He further stated that he is not sure whether the information was in French or in English, as he was fluent in both languages.

74. Southall stated that he heard the recording while stationed at a naval communications facility of the National Security Agency (NSA), located near Nicosia (approximately 5,000 km north of Ndola), Cyprus. He described his position at the station as that of a "processing and reporting" officer and advised that the Central Intelligence Agency (CIA) shared the facility with the NSA, although the working areas of the two agencies were separate. While Southall usually only worked during daytime hours, on this particular day his Communications Watch Officer telephoned him at his accommodation, sometime between 1900 and 2100 hours (local time in Cyprus), to encourage him to come to the facility at "about midnight [because] something interesting is going to happen". It was shortly after midnight when Southall heard the intercept at the station. He stated that the communications intercept was made by the CIA and passed to the NSA working area, where he was in the company of four or five others when he heard the recording or read the transcript, including that of junior officer and friend, Tyler Wat.

75. Southall's recollections of the events of that night appear to have surfaced when he was contacted by an analyst at the United States Department of State, Karen Engstrom, on 8 December 1992, in connection with a request from the Government of Sweden for assistance with its national investigation into the circumstances of Hammarskjold's death. That investigation was headed by Swedish diplomat, Bengt Rosio.

Interception of radio communications II

76. In other new information of a similar nature, former United States Air Force Security Services Officer, Paul Abram, stated in an interview with the Panel, on 26 May 2015, that he heard transmissions related to the shooting down of an aircraft in or near the Congo, on the night of 17-18 September 1961. Abram was attached to an NSA listening post in Iraklion (over 5,000 km north of Ndola), Greece, at the time, where, he advised, he would typically be provided with approximately five to six frequencies to monitor at once. He recalled that the "prime targets" included military activities in the Congo, such as troop movements and arms sales. Abram claimed that a few days earlier he was provided with the expected flight plan of SE-BDY, which included information about the aircraft type and "plane number", as well as its destination of Ndola.

77. Based on the "radio chatter" he overheard on the evening of 17-18 September, he believed he was listening to the activities of an "American ground force".

Sometime later in the evening, he heard someone say over the radio: "Here comes the plane ... the plane is well lit", followed by someone on another frequency in a voice he assessed based on the accent as non-American (but not French or Spanish, he later provided), saying "the Americans just shot down a UN plane". He stated that the transmissions were followed by a significant increase in "radio chatter".

78. Abram did not believe he heard any communications from SE-BDY during the period in question. He was not certain about the time he heard the transmissions, but advised he was working the late shift at the listening station at the time. The view he provided was that the UN aircraft, which he assumed was the aircraft on which Hammarskjöld was travelling, had been shot down by ground fire. He assessed the use of ground fire based on having heard the transmissions on a high frequency (HF) radio network.

79. While Abram advised that he was the only officer at the station to have listened to the intercept in real time, he immediately notified others around him about what he had just heard. Abram claimed that other officers at the post subsequently listened to a replay of the intercept, which they processed and forwarded to the relevant recipients. In a book he authored in 2013 titled, *Trona Bloody Trona* about a union strike, Abram provided general information regarding the circumstances of Hammarskjöld's death, but did not describe in detail what he claimed to the Panel to have heard on the night in question. It appears that Abram first provided the additional information when he contacted the Hammarskjöld Commission, in 2014, by which time that body had concluded its work.

Assessment of authenticity

80. With a view toward exploring further some of the details of Southall's statements, and to assess the clarity and consistency of his recollections, the Panel contacted Southall and requested an interview. He replied that he was unable to oblige due to health reasons.

81. Further, the Panel requested that the competent United States authorities search for and share with it any relevant information they may have in their possession pertaining to records or transcripts of radio traffic intercepted or received on the night of 17-18 September 1961 concerning the landing or approach of an aircraft at Ndola, Northern Rhodesia, as well as potentially related records of correspondence between Washington, D.C., and the United States embassies in Cyprus and Greece, respectively, around the time in question (see appendix 6). The Panel's request was informed by a negative response from the NSA to a Freedom of Information Act request submitted by the Hammarskjöld Commission, dated 16 July 2013, in which the NSA advised that two files in its possession were "responsive" to the Commission's request (see A/68/800, para. 15.11). The NSA went on to state that the files could not be released because doing so "could reasonably be expected to cause exceptionally grave damage to the national security" and because the agency is authorized to protect "certain information concerning its activities" having determined that such information "exists in these documents".

82. In addition, an article published in the Swedish newspaper *SvD Nyheter*, on 21 November 2014, reported that the Government of the United States afforded to the Foreign Minister of Sweden at the time, Carl Bildt, access to the two "responsive" files following informal talks between the two Governments. The article quotes Bildt as saying that the information contained in them is trivial and

unimportant. In response to the Panel's request for the same information, one member of the Panel was afforded full access to the two "responsive" files on the basis of established bilateral security information-sharing arrangements between the Governments of the United States and Australia, her State of nationality. The Panel member examined the information in the two files shown to her and assessed that it would not help establish the facts of the cause of the plane crash or the cause of the deaths of former Secretary-General Hammarskjold or the others accompanying him. She also assessed that it did not contain any information relating to the interception of communications about an attack on SE-BDY.

83. Further to its request for the information in the two "responsive" files to be made available to it, the Panel also requested that the searches by the Government of the United States include the master schedules (which is to say the inventories of files and records) of the CIA, FBI and NSA. The Panel went on to express the hope that any relevant classified documents located can now be declassified, in whole or in part, and shared with it. In response, the Government of the United States informed the Panel, in a letter dated 9 June 2015, that its search had not found any documents matching the description of the materials requested by the Panel, and that this effort included a search of NSA and CIA records (see appendix 6).

84. Also in connection with its assessment of the authenticity of the information, the Panel requested that the Government of the United States provide information it may have in its possession about whether Southall served in the United States Navy and Abram in the United States Air Force, respectively, and, if so, whether they were based at the listening stations in Cyprus and Greece, respectively, undertaking work with the National Security Agency in the capacity they stated at the time in question. In its response to the Panel of 9 June 2015, the United States Government confirmed, based on information held by the Department of State, that Southall was an active member of the United States Navy at the time, but it did not provide any further information regarding whether he was stationed in Cyprus or about the capacity in which he was serving with the Navy. At the time of writing, the results of a search by the Department of Defense for information responsive to the Panel's questions about Southall and Abram remained pending.

85. At the request of the Panel, Abram provided to it copies of his service discharge record, which state that he was in the United States Air Force at the time in question working as a "voice intercept procedure specialist" and "interpreter". The Panel assessed, based on that document, that Abram's claim to have been employed by the United States Air Force at the time of the crash of SE-BDY performing in the special duties in which he claims to have been engaged, appear to be valid. However, while a copy of a second document provided by Abram titled "Education Service Program" noted that the last civilian school he attended was "Iraklion Greece", no dates were annotated in the "date attended". The Panel was therefore unable to confirm whether Abram was posted to Iraklion at the time of the events on 17-18 September 1961.

Type of information

86. With regard to the type of the information provided by Southall and Abram, both stated that they were in the company of others when they listened to, or in the case of Southall, perhaps read, the radio communications on the night of 17-18 September 1961. Southall made several attempts in the 1990s to have a

colleague purportedly also present at the station, Tyler Wat, provide his account of events. According to correspondence, dated 28 July 1993, between Southall and Wat, who was by then a diplomat at the United States embassy in Rome, Wat told United States correspondent, Staffan Torsell, that he had "no special memory of" an incident on the night of 17-18 September 1961. It does not appear that Southall has had any further success in his efforts to make contact with other colleagues who were present at the time or in establishing whether any of those colleagues have similar recollections as him of the evening. The Panel was informed that Wat has unfortunately passed away. Without additional information corroborating Southall's claim to have listened to or read a transcript of a radio communication intercept, the new information he provided stands as solitary witness information. Similarly, without independent corroborating information from colleagues at the Iraklion listening station or some other source, Abram's statement also stands as solitary witness information.

Credibility of the information

87. Turning to an assessment of the credibility of the information, the Panel noted that Southall stated his Communications Watch Officer contacted him by telephone at his accommodation between 1900-2100 hours local time (1700-1900 Zulu) on the night of 17 September, and encouraged him to return to the communications facility "at about midnight" to witness "something interesting". According to the transcripts of Salisbury Flight Information Centre recordings, SE-BDY first broke radio silence inflight at 2002 Zulu (2202 hours local time in Cyprus and Ndola), when the crew contacted the Centre on HF radio to report, among other things, its current position and estimated time of arrival at Ndola. The Panel could not find in the material before it indications that the crew or passengers of SE-BDY conveyed to anyone prior to that the estimated time of arrival in Ndola. On the contrary, the crew sought to conceal its route and estimated time of arrival by submitting a flight plan with the destination of Luluabourg (1,200 km north-west of Ndola) instead of Ndola and by taking an indirect route, the particulars of which were reportedly closely held among the crew. Further, UN staff at Leopoldville did not report any communications between their station and SE-BDY or between any other station and SE-BDY during its flight to Ndola. There is no information that Hammarskjöld transmitted or received any communication through the cryptographic machine carried on board the aircraft during the flight. The Panel therefore found it unexplained how the Communications Watch Officer could have known in the mid-evening the estimated time of arrival at Ndola of SE-BDY.

88. Regarding Abram, his recollection of events to the Panel was consistent with information he provided earlier to other parties, namely the media and the Hammarskjöld Commission (after it had concluded its work). Further, his statement that his duties included shift work could support his claim to have been present at the listening post late in the evening on the night in question.

Expert technical assessment

89. To assist with an examination of the technical feasibility of, among other things, the information in Southall's statements, the Hammarskjöld Commission engaged aircraft accident investigator and former fighter pilot, Sven Hammarberg.

90. Hammarberg considered the remark made by Southall in his statement to the Hammarskjold Commission that, "it's quite chilling; you can hear the gun cannon firing". In noting that both the radio transmit button and the trigger for the aircraft weapons system are located on the flight control stick in the Fouga Magister, Hammarberg questioned the ability of the pilot to transmit on the radio and fire the cannon simultaneously. He does note, however, that it was possible, though unorthodox, for a non-flying crew member to make radio transmissions using buttons on the joystick. Southall's recollection of the use of first person (I) by the person making the radio transmissions suggests, however, that that person and the individual firing the aircraft weapons were one and the same. Moreover, if Southall obtained the information on which his observations are based from a transcript as opposed to an audio recording, he could not have *heard* gunfire.

91. Hammarberg also considered the feasibility of intercepting, in Cyprus, radio transmissions made in Ndola. He stated in this regard that the radio equipment on board the Katangese Fouga Magister was limited to very high frequency (VHF) systems only which, due to the propagation properties of such frequencies, are limited to line-of-sight ranges (approximately 140 km between a ground station and an aircraft flying at 5,000 feet). Receiving such transmissions in Cyprus or Greece would thus have required an intermediate receiving and relay station in order to first receive, then re-transmit a recording or transcript of such communications in Ndola to the distant listening stations. If the communications were on HF, on the other hand, it would be possible without the need for a relay station to intercept them in Cyprus and Greece.

92. The Panel sought its own expert assessment of the possibility that radio communications in Ndola could have been intercepted by a listening station over 5,000 km away, or whether it was at least possible to receive a recording of intercepted communications at such a facility over that distance. Chartered Professional Engineer and member of the Air Navigation Commission of the International Civil Aviation Organization (ICAO), Jeff Bollard, concurred with Hammarberg's findings.

93. To the question of how the VHF communications may have been relayed to the listening stations, the Panel noted that Royal Rhodesian Air Force Squadron Leader, John Mussell, reported to the UN Commission, "American Dakotas were sitting on the airfield [in Ndola] with their engines running" on the evening of 17 September, potentially providing a rebroadcast capability. However, the United States Air Force Air Attaché in Pretoria, Lieutenant Colonel Don Gaylor, gave evidence to the Rhodesian Civilian Aviation Board of Investigation stating that no transmissions had been made from these aircraft after 1200 Zulu (1400 local time Ndola), on 17 September, until he participated in the search the following day, and that he was not in contact with SE-BDY during its flight. Nevertheless, the UN Commission considered the possibility that other aircraft either on the ground at Ndola or in the air in the vicinity of Ndola could have acted as a relay station for VHF communications to provide intelligence on the whereabouts of SE-BDY, or simply to intercept information about the events of the evening. While it found no such evidence, it could not rule out the possibility.

Probative value

94. In summary, while some of their accounts differ in detail, Southall and Abram claim to have listened to or read a transcript of radio transmissions late on the evening of 17-18 September 1961 relating to what they believe was a shooting attack resulting in the crash of SE-BDY. Aspects of the authenticity of their claims have yet to be substantiated, including whether they were physically present in the respective locations at the time of the events and had responsibilities which would have afforded them access to such information. Neither the Hammarskjöld Commission nor the Panel have been able to identify and obtain corroborating information from any other persons present at the respective listening posts that night. In addition, the Government of the United States has not provided supporting evidence of any records of radio transmissions or related documents. Some questions also remain for the Panel regarding the credibility of the information with respect to matters of timing in Southall's claims. This notwithstanding, it is considered technically feasible that listening posts at both Cyprus and Greece could have directly intercepted HF transmissions or indirectly intercepted VHF transmissions relayed via an intermediary station, potentially including Ndola, on the night of 17-18 September 1961.

95. Overall, the Panel assessed the probative value of the new information provided by Southall and Abram, in so far as it helps to establish that SE-BDY was subjected to an aerial or ground attack as moderate.

Eyewitness observations at the crash site

96. Other new information potentially related to the possibility SE-BDY was subjected to an external attack includes several new witness accounts from those who report having visited the crash site and seen bullet holes or other unexplained holes in the wreckage of SE-BDY. In a written submission to the Hammarskjöld Commission, dated 5 September 2012, a foreign correspondent for the Associated Press of New York, Errol Friedman, who was dispatched to Ndola to cover the planned meeting between Hammarskjöld and Moise Tshombe, states that he went on the morning of 19 September to the crash site, where he observed that "it was clear that a catastrophic accident had occurred with large pieces of aircraft scattered in a plantation of trees and occasional open areas". Further, he observed that all of the bodies had been removed from the site. Friedmann stated in his submission that "the media representatives noted that there was *no* sign of bullet or cannon holes in any of the major sections of the aircraft that lay scattered around".

97. It is not clear from his statement whether the last comment was based on his own direct observations or those of his media colleagues. Further, the Panel noted that Friedman first saw the wreckage after it was officially located and at a time when it was known to already be extensively burnt. In light of the fact that the information provided by Friedman is not contemporaneous and appears to have been obtained from "media representatives" as opposed to via his own first-hand observations, the Panel assessed its probative value regarding whether it helps to establish that there were *no* bullet holes in the wreckage of SE-BDY as weak.

98. New information provided to Dr. Williams by a former Public Relations Officer of a mine at Bancroft (now Kirilibombwe), Wren Mast-Ingle, on 12 January 2012, is to the effect that, on 18 September 1961, while travelling in his motor bike from Luanshya in the direction of Bancroft on the Ndola-Kitwe road, he heard

SE-BDY crash. After deciding to go to the crash site to investigate, Mast-Ingle claims to have encountered at the site six to eight men in combat-like fatigues aboard two jeeps, who ordered him to leave the area. From approximately 20 metres away from the wreckage, Mast-Ingle purportedly observed a row of fist-sized bullet holes sprayed across the fuselage, which was attached to the wing of the aircraft. He described in his statement, "big gashes in the plane: holes the size of my fist. The upside of the wing was towards me. I was just behind the wing — about 20 metres from the aircraft — and the holes swept from underneath the wing to the fuselage — as if it had been sprayed with bullets and there was a whole row across the aircraft — more than five or six". He went on to state that he did not report the information to officials at the time as "it was advisable to avoid getting involved in the political maelstrom". He also stated that the aircraft was not burnt.

99. Regarding an assessment of the information, the Panel noted Mast-Ingle's claim that he arrived at the crash site around dusk and, although he is somewhat unsure about the precise time of his arrival, he stated it "was definitely not in keeping with the official story", which is to say not shortly after midnight as held by official records of events as the time SE-BDY crashed. In that regard, Mast-Ingle's account, or this part of it at least, is inconsistent with the official record regarding the time of the crash, although that does not necessarily preclude the possibility that his claim to have travelled to and observed the crash site is not otherwise credible.

100. Further, Mast-Ingle recounted that the aircraft wreckage was not burnt when he visited the crash site. The Panel noted however that at the time SE-BDY impacted the ground, it was carrying a significant amount of fuel and the crash sequence resulted in major disruption to the airframe and other major aircraft components. The Panel considered it almost certain that, sometime during the crash sequence, an intense fuel-fed fire would have been triggered. Moreover, the majority of the witnesses who observed the crash sequence or who travelled to the site either before the official time the wreckage was located or shortly thereafter variously described seeing the aircraft on fire in the air; a glow or explosion coincident with the crash, or observing the wreckage to have been extensively burnt. Another new witness, a reporter for the *Northern Star* newspaper, Marta Paynter, visited the crash site sometime after 1510 hours local time on the afternoon of the 18 September and also described seeing that the aircraft was extensively burnt.

101. The accuracy of Mast-Ingle's recollection of certain aspects of the crash site, in particular the time he visited the scene and whether the aircraft was burnt or burning, appear to the Panel to be inconsistent with other information made available to it about the circumstances. The Panel noted also that the recollections, made more than 50 years after the event, are not contemporaneous. However, the Panel accepted that the holes could, at the time of his observations, have been located in an as yet unburnt portion of the aircraft wreckage. In light of these factors, the Panel assessed the probative value of the information provided by Mast-Ingle, in particular regarding the degree to which it helps to establish that parts of the aircraft had been "sprayed with bullets", as weak.

102. In other new information about the state of the wreckage, Richard Martin Ridler claimed in a statement made to the Hammarskjöld Commission, on 10 April 2013, that his (now deceased) uncle, James Ian Cunningham Waddicar, told him he saw the wreckage of SE-BDY "riddled with bullet holes". Waddicar was a Royal Air Force officer working in Ndola for the British Government training communities in

animal husbandry methods at the time of the crash. He neither gave an indication of the size of the holes nor their distribution, but "conveyed the impression that they had been made by a machine gun".

103. The Panel noted that the information provided about Ridler's uncle's observations is hearsay conveyed many years after the event. Further, there is no precision in the information about whether Waddicar made his observations at the crash site or perhaps later in the hangar at Ndola airport, where the wreckage was relocated for further examination, nor about the timing of those observations. While acknowledging that he had previous experience in the Royal Air Force, it is not clear whether he would have been in a position to make an authoritative assessment of the cause of any holes in the wreckage. The Panel assessed the probative value of the information provided by Ridler, in so far as it helps to establish that there were bullet holes in the wreckage, as nil.

Expert technical ballistics analysis relating to an aerial attack

104. For its probative assessment of the various pieces of new information in this section, the Panel also drew on expert ballistics assessments. Before coming to that, the report of the UN Commission noted that "no signs of a pre-crash explosion or traces of a rocket were found in or near the wreckage" and that other bullet-like holes had been examined and excluded to the satisfaction of experts. In addition, the UN Commission considered that the configuration of the aircraft and the shallow swathe cut through the trees was consistent with an aircraft flying in a controlled state on a shallow descent preparing to land, rather than that of an aircraft under attack or out of control because of damage caused by an exploded bomb or other form of weaponry, or due to taking evasive action from an aerial threat.

105. As part of the investigation conducted by the UN Commission, Swiss criminologist, Dr. Max Frei-Shulzer, was retained to examine the wreckage of SE-BDY for evidence of the remains of foreign bullets, as well as a bomb, infernal machine or the like. He did this by visually inspecting and melting down pieces of the aircraft wreckage to separate the aluminium airframe material from any other metals present. Dr. Frei-Shulzer reported that the aluminium remaining after the melting process totalled 3,189 lb (1,446 kg) (the Panel was unable to establish the proportion of total aircraft wreckage material available that this constituted). His testing did not reveal any traces of metals related to foreign bullets, a bomb explosion or detonation device, leading Dr. Frei-Shulzer to posit that one can "exclude the possibility of hostile actions from the air or from the ground" and that there was "no room for the suggestion of sabotage".

106. In other specialist technical analysis, published shortly after the report of the UN Commission, an expert from the Forensic Institute of the State of Sweden, Nils Landin, calls into question the definitiveness of Dr. Frei-Shulzer's conclusion. Landin wrote, in a letter to the Swedish Foreign Ministry dated 25 May 1962, that Dr. Frei-Shulzer did not (and could not due to the volume and dispersion of fragments over the crash site) examine every single part of the aircraft wreckage, leaving open the possibility that there could technically be undetected traces of foreign bullets, a bomb explosion, detonation device or other evidence of an aerial attack in the unexamined parts or at the crash site.

107. In assessing the probative value of the information provided by Landin, the Panel considered as credible the assertion that a definitive conclusion about the

exclusion of an aerial attack (or indeed, for consideration in a later section of this report, sabotage) could not be reached because not all of the wreckage material had been examined. This was informed by the Panel's expert understanding that reaching a definitive conclusion through technical analysis requires testing absolutely all of the material available. Applying this to the assessment of the claims made by witnesses to have seen bullet holes in the wreckage, the Panel assessed as moderate the probative value of the information provided by Landin in so far as it helps to establish that the examination of the aircraft wreckage by Dr. Frei-Shulzer could not completely rule out the possibility of hostile actions, such as an aerial or ground attack, as posited by him.

Possible involvement of mercenary pilots or other agents

"Beukels"

108. In his investigation report, titled "Ndola Disaster", dated February 1993, Swedish diplomat, Bengt Rosio, outlines a claim that a Belgian mercenary pilot by the name of "Beukels" inadvertently shot down SE-BDY on the night of 17-18 September 1961. Rosio was requested by the Swedish Government, in late-1992, to carry out additional inquiries into the circumstances of Hammarskjöld's death. This was prompted by the publication in United Kingdom newspaper, *The Guardian*, on 11 September 1992, of a letter from former senior UN officials, George Ivan Smith and Dr. Conor Cruise O'Brien, in which they claimed to have proof Hammarskjöld's aircraft was inadvertently shot down by the mercenary pilot, who was trying to divert it elsewhere to prevent Hammarskjöld from meeting with Moise Tshombe. The proof was purported to be taped interviews of "Beukels" telling his story to French diplomat, Claude de Kemoularia. The tapes were in the possession of Smith. As part of his investigation, Rosio met with de Kemoularia in Paris, during which de Kemoularia stated that he had interviewed "Beukels" in Paris, in 1967.

109. By way of background information, de Kemoularia served in the UN Secretariat as Hammarskjöld's personal assistant, from 1957 to 1961, and as the Permanent Representative of France to the UN, from 1984 to 1987. He was a businessman living in Paris at the time of the alleged interview with "Beukels", on 13 February 1967. He included an account of his meeting with "Beukels" in his memoirs, titled *Une vie à tire-d'aile: Mémoires* (2007). The passage described much the same account as that included in Rosio's report.

110. Both Smith's tape recordings and de Kemoularia's memoirs describe a scenario in which "Beukels" departed from Kolwezi airfield (approximately 430 km north-west of Ndola) in a Fouga Magister jet accompanied by another aircraft of the same type (the identity of the second pilot was not revealed by "Beukels"). The pair were purportedly under orders from a "Mr. X, considered to be a senior individual over military command" and Lieutenant Colonel Lamouline (Commander-in-Chief of Katangese forces) to intercept SE-BDY near Ndola and divert it to Kamina airfield (approximately 620 km north-west of Ndola) in order to have Hammarskjöld meet an "influential European company executive". The firing of a warning shot to demonstrate that they were serious was authorized if the pilots of SE-BDY did not comply with instructions to divert.

111. "Beukels" claimed that the position of the aircraft, including its estimated time of arrival at Ndola, was accurately known, that some of this information was

provided to him by the Ndola air traffic controller, and that the Fouga was equipped with sophisticated radio equipment and radar to enable an accurate air-to-air intercept by night. "Beukels" claimed that his Fouga was airborne for two hours. To assist with the interception of SE-BDY, "Beukels" claimed that the Ndola air traffic controller directed SE-BDY to conduct an "extra round", thereby adding 30 km to the flight path. When SE-BDY appeared not to be following his instructions to divert, "Beukels" purportedly fired the Fouga's machine guns from behind SE-BDY, inadvertently hitting the DC6's tail plane. "Beukels" stated that the "pilot had lost control and the aircraft began to wobble and wave" before crashing and bursting into flames.

112. Rather than a recording of "Beukels" himself describing his story, the tapes referred to by Smith and O'Brien in the *Guardian* newspaper article were instead a recording of de Kemoularia translating notes of his interview with "Beukels" from French into English in a meeting with Smith, on 17 September 1981. Despite requests from Rosio for him to do so, de Kemoularia did not provide Rosio with a copy of the French notes, the tapes or a transcript thereof. Instead, a version of the story, assumed to be prepared by Smith, was delivered to Rosio after the completion of his assignment. An early version of the story, as prepared by Smith, was also located by the Panel amongst the Roy Welenksy papers at the Bodleian Library, in which Smith wrote to de Kemoularia, on 8 December 1981, explaining how he had prepared the story following his earlier meeting with de Kemoularia. Also in that letter, Smith set out areas in which matters needed further clarification and the proposed next steps. It appears there had been an intention to finalize the story for public release on the twentieth anniversary of the crash of SE-BDY.

Assessment of authenticity

113. Turning to a probative assessment, the Panel sought the assistance of the Government of France through a request, submitted on 23 April 2015, for the competent French authorities to search for and share with it any materials they may have in their possession relating to the interaction between de Kemoularia and "Beukels", and any other material referring to a Belgian pilot going by the name of "Beukels" (see appendix 3). The Panel expressed hope that in light of the passage of time relevant documents could be declassified, in whole or in part, if required, and shared with the Panel. Similarly, the Panel requested that the competent authorities of the Government of Belgium search for and share with the Panel any information they may have in their possession about the activities of a purported Belgian national by the name of "Beukels" who may have been operating as a pilot or otherwise supporting Katangese forces in or around the Congo in 1961 (see appendix 2).

114. In its response, dated 2 June 2015, the Government of France advised that a search of the archives of the Ministry of Foreign Affairs and International Development have not resulted in the location of information about "a conversation between de Kemoularia and a Belgian pilot named 'Beukels' concerning the death of Mr. Dag Hammarskjöld". The response added that "those archives are public and not classified". The Government further advised that enquiries made by it to de Kemoularia about his availability for questioning had established that de Kemoularia is not available due to his "age and current health status". While the Government of Belgium provided materials in response to several other facets of the Panel's information request to it, at the time of writing it was yet to provide

information about whether it has among its files and records material related to the possible existence of a pilot by the name of "Beukels" (see appendix 2).

Probative value

115. The Panel was not able to establish whether Smith's taped recordings of de Kemoularia's dictated notes of his interview with "Beukels" are still available. Similarly, the Panel was not able to locate the original notes of de Kemoularia's interview with "Beukels". Given de Kemoularia's apparently significant interest in the circumstances of Hammarskjöld's death, the Panel found it unexplained that he did not come forward with this information earlier when it came into his possession. It is noted that Rosio states in the end notes of his report of 1993 that de Kemoularia had told the story to senior UN official, Brian Urquhart, in 1968, at which time Urquhart advised de Kemoularia to inform the police. This was apparently not done.

116. In light of the foregoing, the Panel assessed the probative value of the information provided by de Kemoularia, Smith and O'Brien regarding the involvement of a Belgian mercenary pilot by the name of "Beukels" in shooting down SE-BDY as weak.

Van Risseghem

117. In February 2014, the Government of the United States provided to the Hammarskjöld Commission a declassified cable sent from Leopoldville to Washington, D.C., dated 18 September 1961, in which the US ambassador in Leopoldville draws attention to a Belgian pilot he reports possibly shot down SE-BDY. In the cable, Gullion states, "There is possibility [the aircraft carrying Dag Hammarskjöld and the members of the party accompanying him] was shot down by the single pilot who has harassed UN operations and who has been identified by one usually reliable source as Vam (rpt VAK) Riesseghel, Belgian, who accepted training lessons with so called Katanga Air Force. Previously he had been assumed to be unknown Rhodesian. As long as he is still operational he may paralyze air rescue operations."

118. The Panel subsequently requested, on 21 and 23 April 2015, respectively, that the Government of Belgium and the Government of the United States search their competent authorities for and provide any information they may have in their possession regarding the activities of Van Risseghem (see appendices 2 and 6, respectively).

119. Information provided by the Government of Belgium is to the effect that Hammarskjöld sent a telegram to the Minister of Foreign Affairs for Belgium, Henri Spaak, on 16 September, requesting his Government's cooperation in putting to an end to Van Risseghem's criminal acts against the UN and its properties, as well as attacks against civilians. The Belgian Government, including the Belgian Secret Service, then conducted an investigation which revealed that Van Risseghem had returned to Belgium from Kamina, via Zaventhen, on 8 September, where his entry at the national airport was registered by the immigration authorities. He then left Lindt, Belgium, on 16 September, indicating that he was returning to Katanga to resume air services, thence departed Belgium by air for Paris, from where he was to continue to Katanga. The investigation concluded that Van Risseghem was in Belgium between 8 and 16 September 1961 and could not have reached the Congo

from Belgium in time to have the flown a Fouga or any other aircraft over or around Ndola on the night of 17-18 September 1961.

120. Separately, the Government of the United States made available to the Panel a telegram, dated 22 September 1961, sent from its embassy in Brussels to Washington, D.C., which notes that, according to Belgian security and intelligence officials, Van Risseghem was "supposed to have signed a receipt on 17 September for discharge pay received from the Katanga 'Mission' in Brussels". The Belgian Government noted however that the signed document was an authority for another person to collect money on his behalf, from the "Sabina Solidarity Fund", and that it was possible he was either still in Brussels or may have already have been in Paris.

121. That said, Belgian authorities were able to establish that Van Risseghem did not leave Brussels before 16 September 1961, at the earliest, and they could therefore demonstrate that it would not have been possible for him to reach Katanga in sufficient time to have carried out the aerial attack on SE-BDY. On that basis, the Panel assessed the probative value of the information provided by the Government of the United States in its cable dated 18 September 1961 regarding the involvement of a Belgian mercenary pilot by the name of Van Risseghem in an aerial attack on SE-BDY as weak.

Alleged CIA contractor

122. In a written submission to the Hammarskjöld Commission, dated September 2012, researcher and journalist, Lisa Pease, sets out a claim that an alleged CIA agent, Roland "Bud" Culligan, was responsible for shooting down SE-BDY. Pease provided various accompanying documents including, among others, an article by her in a March-April 1999 issue of the publication *Probe*, titled "Midnight in the Congo"; correspondence from a Christopher Farrell, who appears to be assisting Culligan in efforts to have him released from a United States gaol in 1976 and at a later date; a 1994 article by Kenn Thomas in the Steamshovel Press; correspondence from Culligan to other parties, including to the General Counsel of the CIA and the Director of the CIA; and a number of Record Identification Forms from the United States National Archives showing that CIA records relating to Culligan have not yet been released.

123. In this new information, Culligan lays claim to have been a "hit man" working for the CIA for over 25 years, including at the time SE-BDY crashed. In handwritten correspondence, he described flying from Tripoli in a P38 Lightening aircraft, via Abidjan and Brazzaville, to Ndola where he intercepted and shot down SE-BDY. The documents show that the information about Culligan was provided to the Attorney General of Florida, Robert Shevin, by attorney Christopher Farrell who, in turn, forwarded them to the United States Senate Select Committee convened to Study Governmental Operations with Respect to Intelligence Activities (the Church Committee). Culligan claimed to be in possession of a contemporaneous diary of his activities, although this was not confirmed by or made available to the Panel. Pease stated that she believes Culligan passed away in 2010.

Assessment of authenticity

124. To assist with its assessment, the Panel requested, on 28 May 2015, that the competent United States Government authorities search for and share with the Panel any information they may have in their possession relating to the claim made by

Culligan. Further, the Panel requested information about whether Culligan was enlisted in or contracted by the CIA, or other branches of the Government of the United States, at the time in question, and whether he undertook activities in connection with the work of the CIA or other Government of the United States agencies. In addition, the Panel requested any information the United States Government may have about whether Culligan possessed the knowledge and expertise required to fly an aircraft on a mission of the nature he described.

125. The United States Government advised, in its letter dated 9 June, that it had "reviewed its records documenting CIA activities at the time in question and found no reference to Mr. Culligan". The Panel was unable to locate information about whether the matter involving Culligan was dealt with by the Church Committee and, if so, how.

Assessment of credibility

126. The Panel noted that Culligan's claim lacks detailed information about how he shot down SE-BDY, including his means of acquiring the aircraft and the methods used to enable him to intercept SE-BDY over Ndola. In addition, the claim does not appear to have been first divulged by Culligan until 1976, when he was seeking to be released from goal. In correspondence to the then Director of the CIA, Admiral Stanfield Turner, dated 30 October 1978, Culligan claims to have already provided Admiral Turner with his journal, but threatens to publically release his material, including a copy of the journal, unless what he describes as his unfair prosecution by the authorities is addressed. However, in subsequent correspondence from Farrell to "Agent Albergine, United States Secret Service", dated 6 December 1978, Farrell claims that he has amassed enough evidence "even without a copy of the journal, to convince anyone what has been going on all these years". It is noted that a similar threat was previously made to the CIA General Counsel, Anthony Lapham, in March 1977, shortly before Culligan's release from prison. It was not apparent to the Panel that the information was ever released in full as proposed and whether it included the diary to which Culligan referred.

127. In the absence of additional information confirming his qualifications and account of events, including as claimed to have been detailed in a diary, the Panel assessed as weak the probative value of the information provided by Pease regarding the degree to which the information helps to establish the involvement of purported CIA agent, Roland "Bud" Culligan, in an aerial attack on SE-BDY.

Employee of Union Minière du Haut Katanga

128. A cable from the then Officer-in-Charge of UNOC, Robert Gardiner, to the UN Under-Secretary for Special Political Affairs, Ralph Bunche, dated 16 January 1963, reported that a number of Congolese witnesses and the author of an anonymous letter submitted to the Swedish Consulate in Leopoldville claimed that Andre Gilson, a Belgian national and Union Minière du Haut Katanga employee, had, under orders, shot down SE-BDY in an aerial attack. Gilson had purportedly talked about his involvement in the attack when he and the witnesses were in the mess room of Union Minière in Lubumbashi. On 28 August 1963, Gilson was interrogated by UNOC personnel in Elisabethville, during which he stated that he was employed as an accountant with Union Miniere in Elisabethville, from 10 July 1961, and was attached to its civilian office for goods and provisions, from

13 to 27 September 1961. He stated that he was not a pilot and had no role in the Katanga air forces. The UN investigation concluded that Gilson's testimony was truthful and verifiable, and that the allegations were unfounded. Further, it found that his whereabouts on the night of 17-18 September 1961 could be accounted for and that he lacked the training and information needed to be able to carry out such an attack.

129. On the basis that those involved in the UN interrogation were able to independently verify the whereabouts of Gilson on the night in question, the Panel assessed the probative value of the new information regarding the degree to which it helps establish that he was involved in an aerial attack on SE-BDY as nil.

Other mercenaries or agents

130. Among the new information provided by former Associated Press journalist, Errol Friedman, to the Hammarskjold Commission, on 5 September 2012, is a claim to have met, while staying at the Edinburg Hotel in Ndola in the days following the crash, two Belgian pilots who told him they "had pulled the wool over the eyes of the [Rhodesian] Commission". They went on to purportedly claim that they had been in contact with Hammarskjold's "white painted DC6" when it was near Ndola and "buzzed" it, which forced the pilot of SE-BDY to take evasive action. They claimed to have "buzzed" it a second time by flying above and close to its fuselage, forcing the DC6 down towards the ground. Friedmann noted that the pilots had drunk a lot of beer and were boisterous.

131. The next day, at the hearing of the Rhodesian Commission, Friedmann contends that he wrote a short note about his encounter with the two Belgian pilots to Adrien Porter, a colleague who was to replace him in Ndola following his departure later that day. The note left on Porter's chair found its way into the hands of the Counsel for the Federation of Rhodesia and Nyasaland, Cecil Margo, who told Friedmann if he did not provide evidence voluntarily, then Margo would take legal steps to ensure that I did." After consulting his news editor in New York, Friedmann was instructed to leave Ndola for South Africa without delay. While at Ndola airport, a local radio station broadcast a request for him to contact the nearest police station or to phone a certain number. Friedman departed for Johannesburg the next day without complying with the instructions issued in the broadcast.

132. Giving a partially different version of the encounter, Cecil Margo, in his book, *Final Postponement: reminiscences of a crowded life* (1998), states that Friedmann had approached him and reported that when he was at the Savoy Hotel, one of the pilots had said what he alleged above.

133. Major Joseph Delin, a pilot of the Katangese air forces, who had testified before the Rhodesian Commission, on 16 January 1962, was recalled and questioned about whether he had said that particular phrase or anything similar to Friedmann. Major Delin responded that he had never used that expression in his whole life and only recalled speaking to someone for a few minutes, during which he claims he did not say anything important. He reemphasised that neither he nor any other person had flown the sole Fouga Magister in the Katangese forces on the night of 17-18 September 1961, which was located at Kolwezi airfield. He stated that he had known that Hammarskjöld was to travel to Ndola, but did not know how or precisely when.

Probative value

134. Taking into account all the above, in particular the serious nature of the allegations; Friedmann's reluctance to testify at the Rhodesian Commission's hearing for his version to be fully tested, while being fully aware that he was requested to do so; and Major Delin's categorical denial before the Rhodesian Commission to have said what Friedmann claimed, the Panel assessed the information provided by Friedmann regarding the degree to which it helps to establish that the two Belgian pilots under consideration, who of whom appears to have been Major Delin, was involved in an aerial attack on SE-BDY as nil.

Two unnamed Belgian pilots

135. Similarly, in a written submission to the Hammarskjöld Commission, Martin Hillebard conveyed information about investigations conducted by his partner, Eva Aminoff, into claims that two unnamed "Belgian Air Force pilots" were ordered to shoot down SE-BDY. Aminoff, at the time a writer and journalist, claims to have been at Ndola on the evening of 17-18 September 1961 together with other media personnel. She purportedly told Hillebard some years later that she conducted her own investigations and, in doing so, had spoken with two pilots who told her they were given an order to "shoot down the DC6" and that they arranged a "simple lottery [to determine] who should do the dirty job".

136. The Panel noted that while nationals of a number of states, including Belgium, participated as mercenaries in support of the provincial Government of Katanga, some as pilots, it would be difficult to test the authenticity and credibility of the information in the absence of additional details, including the names and other identifying particulars of the individuals. In addition, the Panel noted that Hillebard's statement is hearsay, is not contemporaneous and is devoid of information that can be tested against other evidence. The Panel assessed the probative value of the new information provided by Hillebard regarding the degree to which it helps establish that two unnamed "Belgian Air Force pilots" shot down SE-BDY as nil.

Expert technical assessment of possible aircraft type and operating airfield

Fouga Magister

137. In its investigation in 1961-62, the UN Commission examined the question of which aircraft type could have been used to carry out an alleged aerial attack or threat on SE-BDY. This centred mainly on the Fouga Magister, a French-manufactured two-seat small jet designed for training and light attack missions. The UN Commission established that one Katangese Air Force Fouga was operational at the time of the events and noted that the aircraft had been harassing UN operations in the Congo in the period prior to the crash, although this harassment had been almost exclusively directed at ground targets. While the Fouga was typically based at Kolwezi airbase (approximately 430 km north-west of Ndola), which the UN Commission assessed was too far from Ndola to enable a round trip, it noted that the aircraft captain, Major Delin, testified at the Rhodesian Commission of Inquiry that "on at least one occasion the 'Fouga' had taken off from an unpaved track". The UN Commission thus found that "nothing would appear to preclude the use [by the Fouga] of a track within range of Ndola". Delin also testified to the Rhodesian

Commission of Inquiry that on one occasion near Kamina he had shot at a DC3 aircraft while it was airborne with a "burst [of bullets]".

138. In new information related to the ability of a Fouga to have been able to carry out an attack or otherwise threaten SE-BDY, aircraft accident investigator and former fighter pilot, Hammarberg, expressed serious doubts about the jet's capacity to have launched from and returned to Kolwezi in one sortie due to the limit of its maximum combat range (calculated as 419 km, flying at 5,000ft). He noted that while it is theoretically possible to fly between the two locations, this would only afford approximately five minutes of combat manoeuvring time over Ndola. The pilot would thus have required very accurate information about the route and arrival time of SE-BDY, and timed his or her arrival for the intercept accordingly.

139. The Panel noted that recorded information with Salisbury Flight Information Centre indicates that, at 2002 hours (Zulu), SE-BDY was estimating an arrival time at Ndola at 2235 hours (Zulu). When it first contacted Ndola tower at 2135 hours (Zulu), the estimated arrival time for Ndola was then 2220 hours (Zulu). The actual arrival time overhead the airfield was known to be 2210 hours (Zulu) based on a report from SE-BDY to the Ndola tower on VHF frequency 119.1 and as noted on the flight progress strip by Martin, the Ndola tower controller. Testimony by a number of witnesses to the official inquiries is consistent with this reported arrival time. On the basis of the 25 minute variation in estimated and actual arrival times, the Panel finds it difficult, in the absence of elaborate support arrangements that might have provided more accurate intelligence, including with the use of radar, to accept that a Fouga could have timed its arrival at Ndola from Kolwezi to enable it to intercept SE-BDY while still leaving sufficient fuel to return to Kolwezi in one sortie. However, like the UN Commission, Hammarberg does not completely rule out the possibility a Fouga could have used another airport closer to Ndola, either as a temporary operational base or for the purposes of refuelling.

140. In considering other airfields available for use by a Fouga, Rosio noted that with a full fuel load, the aircraft would require a take-off distance of approximately 1,500 metres. He was informed by Captain von Rosen, a pilot then flying for Transair with extensive experience of piloting in Africa, that "apart from Kolwezi and Kipushi [200 km north-west of Ndola], there were four other airports from which a Fouga could have taken off" and reached Ndola. Separately, Hammarberg refers to a report prepared by the Swedish Air Force, dated December 1961, which states that "no appropriate places are likely to be found in [Katanga] south of Elisabethville" from which a jet aircraft could operate, but that the possibility "simpler airfields can be used by jet aircraft is not precluded".

141. In undated correspondence titled, "Secret: Report by Neil Ritchie", the First Secretary at the British High Commission in Salisbury and MI6 officer, Neil Ritchie, refers to a trip to Kipushi, on 17 September 1961, in which notes that he inspected the runway and deemed it to be approximately 800 yards long (approximately 730 metres). He described it as being very rough, overgrown and with anthills at one end. He asked (Belgian mining company) Union Minière personnel to "put a steamroller over it and start demolishing the anthills". At a subsequent visit to Kipushi, on 19 September, he observed Union Miniere workers demolishing the anthills. If Ritchie's observations were accurate, the length of the runway and its poor surface condition would probably have ruled out the possibility

of a Fouga launching from that location, which was an airfield identified by Rosio as possibly useable by the Fouga.

142. Aviation expert, Hammarberg, analyses the ability of a Fouga to carry out an aerial attack at night, drawing from his own experience as a fighter pilot. Regarding the equipment and other limitations of the Fouga aircraft, Hammarberg's analysis is based on the generic information contained in Fouga aircraft manuals. Hammarberg notes, however, that he did not have first-hand information, however, about the particular equipment of, and support arrangements for, the Fougas used by the Katanga air force at the time in question. That notwithstanding, he concludes that the hypothesis that a Fouga aircraft could be used for an aerial attack at night in the circumstances that prevailed on the 17-18 September 1961 lacks credibility.

143. While the Panel noted that it would have been extremely difficult for a Fouga Magister to have carried out an aerial attack at night on SE-BDY because of the Fouga's aforementioned operational limitations, the new information from Hammarberg and Rosio supports the possibility that a Fouga Magister was capable of perpetrating such an attack or threat and may have used airfields other than Kolwezi, including unpaved airfields within range of Ndola. This is not to say that their information supports the proposition that a Fouga was actually used to carry out the attack on SE-BDY.

144. The Panel assessed the extent to which the new information provided by Hammarberg and Rosio helps to establish that a Fouga Magister could have been used to bring down SE-BDY in an aerial attack over Ndola airfield at night as weak.

De Havilland Dove

145. In a report dated 23 January 1962, Transair official, Bo Virving, outlines his assertion that a De Havilland Dove brought down SE-BDY through an aerial attack involving firing of rockets from the Dove onto or near the DC6 as it made its approach to land at Ndola airfield. The assertion was based almost entirely on his interpretation of the witness observations on the night in question, in particular as they relate to the presence of a second aircraft in the air and to "fire" passing from one aircraft to another. Given that the letter is dated prior to the conclusion of the UN Commission's inquiry, and that the Commission consulted Virving at various stages throughout its investigation, including on the matter of Virving's assertion that a Dove could have been used, the Panel assessed that the information is not new according to its definition. While not referring to the use of a De Havilland Dove specifically, the UN Commission noted that Virving put before it a theory that SE-BDY might have been attacked and shot down by a plane armed with rockets, that "no substantial evidence was submitted in support of this theory and the Commission is of the opinion that most of the phenomena referred to by Virving are susceptible of other and more logical explanations".

146. That notwithstanding, the Panel identified new information related to whether a Dove aircraft could have been capable of carrying out an aerial attack on SE-BDY. In his memoirs, *Mercenary Commander* (1986), as told by Brian Pottinger, former-mercenary pilot Jerry Puren states that De Havilland Dove aircraft were in use by the Katangese air force as early as 1961 and were capable of bombing ground targets. Puren goes on to outline the technical aspects of this capability, noting that the Dove was modified by the Katangese air force to enable bombs to be dropped from racks through the floor of the aircraft. He also described bombing sorties in

which he claimed to have been involved; however, his memoir did not include reference to any sorties flown on the night of 17-18 September 1961.

147. In his analysis of the capability of a De Havilland Dove to carry out an aerial attack on SE-BDY, Hammarberg acknowledged that Doves were in use by the Katanga air force at the time, although he is unsure about how many were operational. The Rhodesian Commission of Inquiry had determined that two Doves were in United Nations custody at Elisabethville, on the night of 17-18 September, while three others were in South Africa undergoing maintenance. Other sources claimed that Doves were based at Kolwezi or Kapushi. In addition, Hammarberg assessed that because of "physical and skill constraints", the theory that a Dove could have been used to carry out an air-to-air bombing attack using rockets or a bomb as "practically impossible". He cited the difficulty of carrying out a manual bomb operation (whether in order to hit the aircraft or to have a bomb explode near to the aircraft) on a moving airborne target at night.

148. The Panel also noted that the maximum cruising speed of a Dove aircraft is approximately 180 to 200 knots (333 to 370 km/h) making it only possible for a Dove to have been able to intercept SE-BDY, a DC6B, in a phase of flight in which the DC6B's speed is much lower than its normal cruise speed of approximately 270 knots (500 km/h). This would be possible when SE-BDY was preparing to approach and land at Ndola. Noting that the Rhodesian Board of Investigation had determined that SE-BDY was found to be in a landing configuration at the time of impact with the ground; it would therefore have been travelling somewhere between 130 and 160 knots (240 to 296 km/h).

149. While it is noted that Puren's memoirs do not describe any sorties involving air-to-air attacks by a Dove, and Hammarberg is extremely sceptical that such an attack could have been successfully conducted, this alone may not preclude the possibility that a Dove was capable of such an attack or for its use in an aerial threat to SE-BDY such as an attempt to divert the SE-BDY elsewhere. However, without supporting evidence, it does little to support the proposition that a Dove was actually used to carry out the attack on SE-BDY. The Panel assessed as weak the degree to which the new information provided by Puren helps to establish that a De Havilland Dove could have, in terms of its offensive air capability, carried out an aerial attack or otherwise threatened SE-BDY.

Dornier DO-27 and DO-28

150. In other new information about types of aircraft that could have been used to carry out an aerial attack or otherwise threaten SE-BDY, German researcher, Dr. Torben Gulstorff, provided the Panel with information about the possibility Dornier DO-27 (a light single-engine four to six seat utility aircraft) or DO-28 (a twin-engine utility aircraft) were in use by Katangese forces in an offensive capacity, in September 1961.

151. In a communication originating from New York, United Nations official, Knappstein, summarizes a meeting with senior United Nations official, Alexander Macfarquah, held on 7 July 1961, in which Macfarquah refers to information received from United Nations intelligence sources in the Congo stating, "the provincial government of Katanga in the Republic of Congo (Leopoldville) has arranged to procure German Dornier aircraft with military equipment, including gun mounts, bomb racks, rocket launchers, etc." The notes goes on to state, "It is

understood on arrival these aircraft will be operated by military personnel in Katanga". The information alleges that the first of the aircraft was scheduled to be delivered sometime during July. The author questions the reliability of the source and expresses doubt as to whether the German Government would be supporting Katangese forces. The communication is followed by others in which the German Government makes inquiries into the veracity of the information, including though discussions with the aircraft manufacturer and by seeking confirmation that DO-27 aircraft have the capability to fire rockets, as demonstrated during Portuguese military operations in Angola.

152. The Dornier representative in Bonn, Colonel (Rtd.) Wien, told the West German Ministry of Economics, on 5 October 1961, that during the summer of 1961 a Belgian importer, based in Elisabethville, bought six Dornier DO-28 aircraft, one of which was delivered to Elisabethville on 21 August 1961. He further advised that the other five aircraft were yet to be shipped. Colonel Wien added that the DO-28 was not designed to accommodate the installation of machine guns, but he could not preclude the possibility machine guns could be installed in an improvised way.

153. A *Daily Express* article, dated 6 November 1961, reported that the then President of India, Jawaharlal Nehru, had broadcast an "urgent appeal to all nations, calling for a halt to the delivery of arms to Tshombe's Katanga". The article goes on to cite from Indian troops serving with the United Nations in Elisabethville that the Katanga Air Force had, within the last few days, received five new DO-28 aircraft at Kolwezi airfield. The account also included the claim that the delivery from Munich included special equipment to allow the DO-28 to carry "bombs or air-to-ground rockets".

154. The Panel has no reason to doubt the authenticity of the documents provided by Dr. Gulstorff, which were sourced from various archives in Germany. The documents suggest based on intelligence information that the Katangese air forces had in their possession at least one Dornier aircraft on 17 September 1961 and that the aircraft may have been modified to be able to conduct aerial attacks and bombings. In his report of 1993, Rosio noted that Dorniers were not equipped with guns or other weapons, but could be modified to do so, and that while Fougas had purportedly not flown on night missions, Dorniers had done so, dropping bombs on United Nations units during such sorties.

155. Regarding their performance capabilities, both the DO-27 and the DO-28 have short take-off and landing capability, allowing them to use small airfields with short runways that might otherwise be unsuitable for other aircraft types. The maximum cruise speed of the DO-27 and the DO-28 is 130 knots (240 km/h) and 145 knots (270 km/h), respectively, however, which would have made it virtually impossible for a DO-27 and very difficult for a DO-28 to effectively intercept and manoeuvre to carry out an aerial attack or threat on a DC6, which typically travels at approach to landing speeds of between 130-160 knots.

156. While the Panel acknowledged that it would have been extremely difficult from a capability stand point for a DO-28, and even more so for a DO-27, to have carried out an aerial attack on SE-BDY because of the Dorniers' slower operating speeds, the new information from Dr. Gulstorff supports the possibility that a DO-27 or DO-28 was capable of perpetrating such an attack or threat. The information provided also provides some support for the claim that one or more Dornier aircraft had already been delivered to Katanga before the events of

17-18 September. However, without supporting evidence, the information does little to support the proposition that a DO-17 or DO-28 was actually used to carry out the attack on SE-BDY. The Panel assessed the probative value of the new information alleging that a Dornier DO-27 or DO-28 could have carried out an aerial attack or otherwise threatened SE-BDY as weak.

V. New information about sabotage

157. Among the causes of crash it investigated, the UN Commission investigated the possibility SE-BDY crashed as a result of sabotage. It found in that regard that while such a scenario was "not impossible", there was "no evidence of a bomb having exploded aboard the aircraft, or in fact of any explosion having occurred while the aircraft was in flight". Since then, several pieces of new information have been made to available to the Panel that relates to the possibility SE-BDY crashed as a result of sabotage.

South African Institute for Maritime Research

158. While conducting its work, the South African Truth and Reconciliation Commission received from the (South African) National Intelligence Agency, in July 1998, a file relating to the assassination in 1993 of the leader of the South African Communist Party, Chris Hani. Included among the file's contents were eight documents purported to be the internal correspondence of the South African Institute for Maritime Research (SAIMR), an organization allegedly engaged in clandestine mercenary activities in and around the Congo, among other places, in the early 1960s. While the Truth and Reconciliation Commission was unable to investigate the veracity of the documents and the allegations contained therein before its mandate ran out, in keeping with its commitment to transparency it opted, in addition to handing them over to the former Minister of Justice, Dullah Omar, to make them available to the public, in August 1998.

159. The documents refer to an operation codenamed "Operation Celeste", the objective of which was purportedly to "remove" Hammarskjold. The orders to do so call for his removal to be "handled more efficiently than was Patrice" (assumed to be Patrice Lumumba, the former and first democratically elected Prime Minister of Congo, who was executed by Katangese Gendarmerie with the complicity of other persons, on 17 January 1961). The same document purports that "[CIA Director] Allen Dulles agrees and has promised full cooperation from his people" and that "[Dulles] tells United States that Dag will be in Leopoldville on or about 12/9/61". The document also mentions that, "The aircraft ferrying him will be a D.C.6. in the livery of 'TRANSAIR'" and urges that, "Leo[poldville] airport as well as Elisabethville is covered by your people".

160. Another of the documents, undated but seemingly sent after that which first called for Hammarskjold to be "removed", reports that "[Belgian mining company] Union Minière has offered to provide logistical or other support." It goes on to say, "We have told them to have 6lbs. of TNT at all possible locations with detonators, electrical contacts and wiring, batteries, etc.", and, "Your decision to use contact, rather than barometric devices is a wise one".

161. In a hand written instruction bearing the same letterhead as the remainder of the documents, dated 14 September 1961, "Captain" reports back to "Commodore" that a:

> "DC6 aircraft bearing 'Transair' livery is parked at Leo[poldville] to be used for transport of subject. Our technician has order to plant 6lbs tnt in the wheel bay with contact detonat (sic) to activate as wheels are retracted on taking of. We are awaiting subjects time of departure before acting."

162. Another of the documents, the date of which is not clearly legible, which seemingly provides a report back to "Commodore" and "Captain" on events, a "Congo Red" writes:

1. Device failed on take-off.
2. Dispatched Eagle [*illegible*] to [*illegible*].
3. [*Illegible*] activated [*illegible*] prior to landing.
4. As advised O'Brien and McKeown were not on board.
5. Mission accomplished: satisfactory.

Assessment of authenticity

163. An analysis of the authorship and authenticity of the documents, that is whether they were written by their purported author, SAIMR or its officers or agents, and that they are genuinely what they purport to be or to assert therein is required by the Panel in assigning probative value to them. In that connection, the Panel first sought to establish the authenticity of the documents. Further, the Panel noted that the abbreviation of the name of the organisation varied in one document, which uses SAIMAR as opposed to SAIMR. Efforts by the Hammarskjöld Commission and Dr. Williams to obtain the originals or ascertain through expert technical analysis the authenticity of the versions in their possession were unsuccessful. For its part, the Panel submitted a request to the Government of the Republic of South Africa to search for and share with it any records or other materials relating to the documents; any references to the existence at the time in question of the South African Institute for Maritime Research (SAIMR); or any other materials it may have in its possession that either negates or corroborates information about the purported plan (see appendix 5). At the time of writing, a response from the Government of the Republic of South Africa was yet to be received.

164. In addition, the Panel contacted the former Truth and Reconciliation Commission Chief Investigator to enquire about whether he has any recollections that could assist with an assessment of the documents' authenticity. At the time of writing, no information had yet been received by the Panel. The Panel was therefore unable to establish the authority or the authenticity of the documents, of which it had only poor quality copies.

165. Also in relation to authenticity, another question arises, that being whether SAIMR existed in 1961. On this issue, the Hammarskjöld Commission found that, "Very little can be ascertained about the South African Institute of Maritime Research", and that, "The Commission has been unable to trace any scientific research published by it".

166. The absence of the original documents; the existence of SAIMR in 1961 not having been established; the non-availability of the maker of those documents or parts thereof, or anyone with personal knowledge or familiarity with their contents; the unexplained whereabouts and chain of possession of the documents between the time they were allegedly made in 1961 and their handing over to the South Africa Truth and Reconciliation Commission by the South African Intelligence Services, in July 1998, and their eventual public disclosure; and the uncertainty of the genuineness of photocopies and the discrepancies therein, including in the very title of SAIMR in one, enhance the significant doubt the Panel has about their authenticity.

167. Further to its assessment of probative value, the Panel also examined the document's content, which is to say the feasibility of the alleged plot. Here it noted that the UN Commission stated in its report, in the absence of a special guard having been posted at SE-BDY while it was on the ground in Leopoldville, "the possibility of an unauthorized approach to the aircraft for the purpose of sabotage cannot be ruled out." Moreover, in their statements to the official inquiries, the Swedish aircraft technicians working on SE-BDY on 17 September advised that the aircraft was left unattended for one to one and a half hours while they proceeded on a lunch break and, moreover, one of the mechanics (Nils Arne Ohlsson) recalled noting when he went to load luggage onto the aircraft in the afternoon the front cargo hold, which could be accessed from outside the aircraft, was not locked.

Expert technical assessments (ballistics and medical)

168. Using information provided by technical experts, the Panel assessed whether there is scientific evidence to support the claim that SE-BDY crashed as a result of the detonation of TNT, as described in the SAIMR documents, or more generally by types of explosives on board the aircraft. A United Kingdom explosives engineering expert consulted by the Hammarskjöld Commission, Major Daniel Perkins, assessed that "an improvised explosives device of six lbs of TNT main charge would be more than capable of neutralising the flight controls of SE-BDY if correctly placed". After assessing the feasibility of detonating such a device using the following options: a VHF-to-VHF radio transmission, mechanical switch activated by the undercarriage, projectile command initiation, barometric switch, and time device, Major Perkins states that in his opinion a VHF-to-VHF transmission affords a perpetrator the best mechanism by which to do so in an area of his or her own choosing.

169. Recalling the expert ballistics analysis of Dr. Max Frei-Shulzer and Nils Landin, which the Panel drew upon in its assessment of the probative value of new information related to an aerial attack or threat on SE-BDY (see paras. 104 to 107), the Panel noted that such analysis can also be applied to its assessment of the new information related to sabotage. According to that analysis, Dr. Frei-Shulzer concluded from his examination of the wreckage of SE-BDY for traces of a bomb, infernal machine or foreign bullets that he could "exclude the possibility of hostile actions from the air or from the ground and leave no room for the suggestion of *sabotage*" (emphasis added). That said, the subsequent analysis of Dr. Frei-Shulzer's work conducted by Landin, which the Panel assessed as having moderate probative value, challenged the definitiveness of that conclusion. Considered together, the assessments indicate that while no traces of a bomb, infernal machine

or foreign bullets were detected in the wreckage of SE-BDY, the possibility traces of such materials escaped detection cannot be ruled out.

170. In so far as further testing for traces of explosives is concerned, according to the Diary of Events enclosed in the report of the Rhodesian Commission of Inquiry, the wreckage of SE-BDY was "removed from hanger and buried at Ndola airport", on 22 and 23 August 1962, where it remains today. In the Panel's view, further testing is not possible since the Dr. Frei-Shulzer's examination of the wreckage by melting down the metal wreckage and parts will have made it impossible to now carry out chemical tests for traces of explosives materials, which would have been the preferred procedure. Moreover, the Panel has not been able to find any reference to examples of aircraft wreckage or material of that nature undergoing such testing after having been buried for more than 50 years, and particularly not after the material has been cut into pieces (which is the case for the wreckage of SE-BDY), melted down and buried in sand or soil.

171. Turning to the available expert medico-legal analysis, the Panel noted the joint opinion of distinguished pathologists, Drs. Rammer, Busch and James, who stated in their report to the Hammarskjöld Commission of 24 July 2013 that they could conclude there was no evidence from the autopsy reports that Hammarskjöld had been subjected to an explosion or exposed to smoke (see para. 34).

Probative value

172. In terms of an overall assessment of the probative value of the SAIMR documents, weighing the considerations spelt out earlier, in particular their authenticity; the unknown whereabouts of the originals or anyone who has ever seen them or any reliable secondary substitute; their chain of possession, together with the possibility of the placement and planting of a 6 lb bomb on board the aircraft; events which in the then prevailing conditions and circumstances could have taken place; the time SE-BDY was left unguarded; and parts of the aircraft exposed to the risk of interference while at Leopoldville airport on 17 September 1961, the Panel assigned weak probative value to the SAIMR documents and what they purport to assert.

Involvement of foreign embassy personnel in Leopoldville

173. A former UN administration officer based in Leopoldville in 1960 and 1961, George Wood, provided information to the Panel to the effect that SE-BDY crashed as a result of a deliberate assassination perpetrated by personnel from the Romania Embassy in Leopoldville under the instructions of the KGB. According to Wood, a former air traffic controller at Ndjili airport in Leopoldville, Peter Brichant, informed him that the embassy personnel gained access to SE-BDY on the morning of 17 September, during which time they installed an explosives device in the nose of the aircraft. The device was apparently meant to detonate on retraction of the landing gear. However, it purportedly failed to detonate upon take off and instead ignited when the landing gear was lowered in preparation for landing at Ndola. Wood cites the fact that the Congolese Government declared the entire staff contingent at the Romanian Embassy persona non grata and allegedly then deported from the Congo as supporting information for his allegation. In addition, Wood attempted to have what he alleged were former-KGB personnel now living in the United States after having defected corroborate his information. He informed the

Panel by letter, on 23 April 2015, however, that none of the interlocutors had responded to his communications.

174. Regarding an assessment of the information, the Panel noted that, in the absence of supporting information from personnel with first-hand knowledge of the alleged events, the information constitutes hearsay on the part of Wood from Brichant. Moreover, Brichant was interviewed by the official inquires yet did not mention the claim put forth by Wood. The Panel assessed the probative value of the information provided by Wood in so far as it purports to prove that Romanian embassy personnel planted a bomb on SE-BDY as weak.

Alleged physical material from the wreckage SE-BDY

175. In 1975, former Swedish staff member with the UN in the Congo, Hilfding Björkdahl, reportedly found a metal plate at the site of the crash of SE-BDY that he was told originated from the DC6. After having brought the plate back to Sweden, it came into the possession of his son, Goran Björkdahl. During a meeting with Björkdahl, who has conducted extensive research in a private and voluntary capacity into the crash of SE-BDY, he gave the plate to the Panel to enable an evaluation of its relevance. The plate is of thin metal construction, approximately 43 cm by 25 cm in size and contains holes Björkdahl suspected were made by bullets or fragments of an explosive device, including four holes located in close proximity to each other and positioned near the centre of the material.

176. Further to its own expert technical assessment, the Panel requested the assistance of the FBI with an evaluation of the authenticity of the material and whether the holes are consistent with damage caused by ballistics or explosives material. The FBI, in consultation with the NTSB, assessed high resolution photographs of the item. The agencies offered the opinion that the piece does not come from an aircraft. The key findings from the NTSB include that while the material looks like aluminium, it is not load-carrying structure from an aircraft and unlikely to have been used as an aircraft part. The rows of holes near the left and right ends are inappropriate for an aircraft due to irregular spacing, alignment and their small diameter. They appear to belong to industrial rather than aviation use. The aluminium looks thick and relatively soft with the deformations visible. There are applications where such materials could be found in cargo compartments or other non-structural areas of aircraft, but the material looks to be more appropriate for use in a ground vehicle.

177. The ballistics expert on the Panel assessed that the holes in the metal plate were not caused by bullets having penetrated the material. He based this, first, on the fact that the diameters of the holes are not compatible with any known calibre of arms available in 1961. While some military ammunition is loaded with bullets that have a hardened "penetrator" of a smaller diameter embedded in the lead core of the bullet, it is assessed as extremely unlikely that the "penetrators" from four bullets would cause four holes in such close proximity with no visible damage caused by the rest of the bullet, which would have had to fragmentize at impact. Second, the expert found that the displacement of the holes and the distance between them does not appear to be consistent with the normal dispersion pattern created by an automatic burst of fire. The holes themselves do not show the signature of a bullet penetration.

178. A second ballistics expert, a Detective Inspector and Firearms Examiner at the National Centre of Forensic Services in Denmark, Egon Poulsen, evaluated the high-resolution images and concurred with the findings of the Panel member. In particular, he assessed that the holes in the plate (including the four closely located together), appear to all be "placed", which is to say located as if their positions were measured out. None of the holes appear to be bullet holes, even the four closely located together. In terms of size and appearance (and in terms of location), the holes do not look as though they were created by bullets.

179. In light of the NTSB assessment that it is unlikely that the piece of material is from an aircraft, and the Danish expert assessments that the holes in the plate are not consistent with bullet holes, the Panel assessed the probative value of the new information associated with the metal plate, which related to the possible presence of bullet holes in a piece of aircraft wreckage, as nil.

Incendiary device

180. In other new information about the possibility SE-BDY crashed due to sabotage, reference is made in a Washington Post report, on 3 June 1978, to an investigative article that refers to a CIA report purportedly submitted to President Kennedy in 1962 stating, "There is evidence collected by our technical field operatives that the explosive device aboard the aircraft was of standard KGB incendiary design". No further information was provided beyond this short passage.

181. To enable an assessment of the probative value of the information, the Panel requested that the United States Government search its files and records for the presence of any information about the existence and basis of the alleged CIA report, or other CIA reports or related information it may have in its possession that would shed light on the circumstances surrounding the crash of the flight of SE-BDY. The United States Government replied, on 9 June 2015, that the CIA has found no such report or any record of such a report. Further, the United States Government advised that a search of the files and records at the John F. Kennedy Library also has no information related to the alleged report.

182. Regarding an expert technical assessment of the feasibility of the action described in the information, explosives expert, Major Perkins, states in his report to the Hammarskjöld Commission that it would be technically possible to cause an aircraft to crash by activating an incendiary device (as opposed to explosive materials). He notes that the pyrophoric material in such a device would help to start a fire on board the aircraft, which would then be fuelled by the aluminium alloy in the airframe and the aircraft's fuel. That notwithstanding, in the absence of information about the basis of the information in the Washington Post article or more detailed information about the claim that could be tested further, the Panel assessed the new information about an incendiary device planted on the aircraft as claimed above as having nil probative value.

VI. New information about hijacking

183. As part of its inquiry, the UN Commission noted the "sensational story carried in several newspapers in some countries during January 1962 to the effect that a seventeenth man boarded the aircraft at Leopoldville for the purposes of hijacking it". While stating that the story "falls clearly into the category of rumour", the UN

Commission nevertheless "carefully investigated whether or not it was true." The Commission noted in that regard that the Head of United Nations Civilian Operations in the Congo, Dr. Sture Linner, and others who saw the plane take off from Leopoldville testified that they knew or were introduced to all persons who boarded the aircraft prior to its departure. In addition, the UN Commission cited Dr. Ross's assessment that there was a seventeenth body in the wreckage as "unlikely in the extreme" and that the police examined the scene of the crash but found no trace of any passengers having wandered off into the bush.

184. The Panel identified two pieces of new information related to the hypothesis that SE-BDY crashed as a result of a hijacking. In the first piece, journalist David Pallister refers in a United Kingdom *Guardian* newspaper article, published on 11 September 1992, to a claim in the book, *Notre Guerre au Katanga* (1963), by former French army officer and mercenary, Colonel Rene Trinquier, that a hijacker was smuggled on board SE-BDY (by whom is not stated) before it left Leopoldville. That hijacker purportedly had instructions to force the pilot to re-route to another (unspecified) location in order to prevent the ceasefire negotiations to which Hammarskjöld was headed from taking place.

185. With regard to an assessment of the probative value of the information, the Panel noted that the basis for the Colonel Trinquier's claim is not provided and that details which can be tested against other information are absent. On that basis, the Panel assessed the degree to which the information helps to establish that a hijacker was smuggled on board SE-BDY as nil.

186. In a second piece of new information, the same *Guardian* article goes on to describe a discussion between former UN officials, George Smith and Dr. Conner O'Brien, and Prime Minister Welensky, shortly after the crash, in which, in response to a question from Dr. O'Brien about the body count from the crash, Welensky purportedly "gave one of those big smiles of his and just said, 'Was it 14 or 15?'". By citing that conversation immediately after the claim made by Colonel Trinquier, the author of the *Guardian* article appears to infer that Welensky was alluding to the possibility there was an "extra passenger" on board SE-BDY that hijacked or attempted to hijack the aircraft.

187. Regarding an assessment of the remarks purportedly made by Welensky, the Panel noted that the information is hearsay, there are no further details against which to test it and its basis is unclear. Moreover, the Panel noted that the number of passengers on board, according to the UN Commission and (all other official accounts), was 16, as opposed to "14 or 15" as stated by Welenksy. The Panel assessed the probative value of the information, in so far as it helps to establish that there was an "extra" person on board SE-BDY who hijacked the plane, as nil.

VII. New information about human factors

188. The UN Commission of 1962 considered, among the four categories of probable causes of the crash of SE-BDY, what it described as the possibility of "human failure". This category included investigations into the possibility the aircraft crashed as a result of incapacitation of the pilots, use of the wrong instrument landing chart, misreading of altimeters, distraction of the pilot's attention and misleading or incomplete information provided to the pilot of SE-BDY. While the Panel did not identify any new information related to these issues in and of

themselves, it did receive new material about the possible role of crew fatigue in the crash. A summary and assessment of the probative value of that new material is set out below. The Panel wishes to emphasise that the possible role of crew fatigue does not in and of itself explain the cause of the crash or the extent to which, if at all, fatigue was a contributing factor in the range of possible causes of the crash of SE-BDY. Nevertheless, flight crew fatigue has the potential to adversely affect the crews' situational awareness as well its ability to react to and manage a range of abnormal and emergency situations including but not limited to an aerial attack or external threat, sabotage, hi-jacking or technical failure.

Crew fatigue

189. A common thread in all three of the official inquiries was the reliance on the belief that the aircraft captain, Per Hallonquist, was fit to fly on the day of the incident and therefore the inquiries could largely rule out fatigue as a factor in the crash. At the same time, the inquiries appeared to have largely ignored the possible fatigue levels of the other flight crew members and their consequential impacts on the overall performance of the flight crew. The Rhodesian Board of Investigation, in its discussion of the evidence, noted that SE-BDY pilots Litton and Arheus had flown to Elisabethville on the night of 16 September, while Hallonquist had appeared rested and "most anxious to make the flight". The Rhodesian Commission of Inquiry noted that when Litton had boarded the aircraft he "indicated that he was tired", while Hallonquist "seemed to be fit and relaxed". The UN Commission noted that there were three experienced pilots on board, at least one of whom had had 24 hours of rest prior to the flight, that there was sleeping accommodation on board for the pilots, and it was therefore "satisfied that the accident was not due to pilot fatigue".

190. New information set out in a document prepared by Ulf Strid, dated 18 December 1961, contains an analysis of the flight and duty times of the crew of SE-BDY. The analysis was informed by Transair's flight log data for the pilots, Hallonquist, Litton and Arheus, and for the flight engineer, Willhelmssen, and reconciled with Transair's Flight Operations Manual and relevant collective agreements. The analysis was an appendix to a larger document signed by Ake Landin, L. Lindman and Torsten Nylen. The Panel noted that Landin and Lindman were the accredited representative and the technical advisor, respectively, to the Rhodesian Board of Investigation. Strid noted in the document that: (a) Hallonquist had logged no flying hours from 13 to 16 September, while Litton and Arheus had logged 8.8 hours each on 13 and 14 September, and no flying hours on 15 and 16 September; and (b) in the 24 hours preceding the crash of SE-BDY, both Litton and Arheus had flown as much as 16.8 of those 24 hours (all logged as night hours), while Hallonquist had flown 6.3 hours (all night hours).

191. It was Strid's view that, in accordance with Transair's Flight Operations Manual, flight time exceedances had occurred in the 24 hour period leading up to the crash. Strid stated that, "it does not seem possible Litton and Arheus were able to accumulate a sufficient amount of sleep during the last twenty four hours". Strid further stated that Hallonquist, on the other hand, appeared to have had opportunity for sufficient rest in the same period. Flight Engineer Willhelmssen had also flown as much as 16.8 hours in the preceding 24 hour period, having been on the same flight as Litton and Arheus to Elisabethville on the night prior to 17-18 September. Further, Strid identified a number of occasions in the period 1 August to

17 September when one or more of the three pilots had exceeded flight time limitations. Strid noted also that his analysis was of flight times only, as opposed to of crew duty times (which include pre- and post-flight duties as well as airborne time), which he stated the Sweden Civil Aviation Authority "was not obliged to monitor".

192. It would be expected that analysis of this kind would have been conducted following the crash in accordance with Sweden's obligation as the State of Registry under the Chicago Convention to provide any "relevant information regarding the aircraft and the flight crew involved" to the State of Occurrence (Rhodesia) (Chicago Convention, appendix 13, para. 4.6).

193. In other new information, a former flight surgeon attached to the Swedish Air Force, Dr. Ake Hassler, informed the Panel in correspondence, dated 12 May 2015, that he believed the "Ndola crash in September 1961 was an ordinary pilot error accident". Dr. Hassler was tasked by the Swedish Department of Defence in "the 1960s" to conduct investigations of all "Swedish flight accidents", in which he included the crash of SE-BDY. He went on to state in his correspondence that he believed the primary factor contributing to the crash of SE-BDY was that a large part of the crew was fatigued. He attributed the fatigue to insufficient rest in the 36 hours prior to the flight to Ndola, going so far as to state that the crew were therefore not fit to fly their mission on the night of 17-18 September 1961. Other information provided by Hassler included a document prepared by Bengt-Ake Bengs, dated 29 September 1966, in which, among other things, Bengs has cited and commented on the same information that was prepared by Strid. Dr. Hassler claimed that the Swedish authorities did not bring this matter sufficiently to the attention of the Rhodesian Board of Investigation. He went on to state that he has made a number of attempts to bring this matter to the attention of the United Nations through the Swedish authorities, but that his efforts had been "blocked" by those authorities.

Probative assessment

194. Even today, with the benefit of a significantly greater body of knowledge than was available in 1961-1962, the effects of fatigue on flight crew performance remain a complex issue. The study of human and organisational factors and its contribution to aircraft accidents accelerated significantly during the late 1970s following accidents involving large commercial aircraft that resulted in significant loss of life and which ushered in an era of research focused on crew resource management and command training. Nevertheless, it was already recognized in 1961 that aircrew must be fit for duty to ensure that they were able to operate their aircraft safely in a range of conditions; this included through the implementation of practices to manage fatigue.

195. The ICAO definition of fatigue states that it is "a physiological state of reduced mental or physical performance capability resulting from sleep loss or extended wakefulness, circadian phase, or workload (mental and/or physical activity) that can impair a crew member's alertness and ability to safely operate an aircraft or perform safety related duties". SE-BDY, a DC6B, was, in its time, a complex and highly demanding aircraft to operate requiring a minimum of three crew members (two pilots and a flight engineer). In a multi-crew operation, all members of the crew must work as a team, with clearly defined duties and

unambiguous communications to ensure that situational awareness is maintained at all times and that there is capacity to react to and manage non-standard and emergency situations. If the performance of the flight crew had been adversely affected by fatigue, it would have increased their risk of making simple errors such as slips, lapses and mistakes, or experiencing visual illusions or a loss situational awareness. Equally, it could have adversely affected the crew's ability to react to and manage an abnormal or emergency situation, such as an aerial attack or external threat, or to deal with the consequences of sabotage or a technical failure.

196. The Panel considered it unsurprising that analysis of the kind conducted by Strid would have occurred following the crash of SE-BDY, given the obligation under the Chicago Convention of the State of Registry, in this case Sweden, to provide any "relevant information regarding the aircraft and the flight crew involved" to the State of Occurrence (Rhodesia) (Chicago Convention, appendix 13, para. 4.6). Accordingly, and with regard to an assessment of the authenticity and credibility of the new information as part of an assessment of its probative value, the Panel requested that the Government of Sweden seek to ascertain whether the report endorsed by Landin, Lindman and Nylen was prepared for internal use only by the Swedish aviation authorities or whether it had been provided to the UN Commission or any of the other official inquiries. A representative of the Swedish Government informally advised that it "had not been able to answer this question". The Panel noted, however, that under questioning during hearings by the UN Commission, Landin agreed that Litton and Aerheus had not been given sufficient opportunity to rest during the 24 hours leading up to the crash of SE-BDY and that "it must have [affected the flight itself and the alertness of the two men], but how much is another question", thereby suggesting that some consideration of the matter by the Swedish aviation authorities had occurred and may have been informed by Strid's analysis.

197. In other information provided by the Government of Sweden, the Panel was able to ascertain that the author of the document, Strid, was an employee of the Swedish Civil Aviation Authority at the time in question and was a qualified pilot and engineer. Dr. Hassler provided documentation which included a transcript of a hearing held on 20 April 1967. In that transcript, it was noted that, on 1 February 1963, Dr. Hassler was appointed in a part-time capacity as a special flight surgeon to the Swedish air force and was attached to flight squadron F21. It was also noted that, from 1 March 1965, Hassler commenced employment with the Flying Administration Research Centre at Malmslaet, Sweden.

198. The Panel noted that the crew flight times outlined in Strid's report for the previous 24 hours are consistent with those noted for the same period by the Rhodesian Civil Aviation Board of Investigation for Hollonquist, Litton and Wilhelmsson, but for Arheus, for whom the Rhodesian Board of Investigation noted 10 hrs 40 minutes whereas Strid noted 16.8 hours). The Panel was uncertain as to why there is such a discrepancy, as it had been determined by the Rhodesian Civil Aviation Board of Investigation that Arheus had also flown to Elizabethville the night before and should have logged the same hours as Litton.

199. Strid had stated that his report had not included an analysis of duty times, which the Sweden Civil Aviation Authority "was not obliged to monitor". While the UN Commission appeared to have made some inquiries into the possible impact of fatigue on the performance of the flight crew informed by the actual flight hours

logged, based on the information before the Panel, there appears to have been scant or no analysis of the rest time and other activities of the crew outside of those flight hours in order to establish the quality and quantity of rest that was taken during the days and hours leading up to the departure of SE-BDY, and of other personal factors that might have had any adverse effects on their performance. Such additional analysis would have provided a fuller picture regarding the crew's fitness for duty to undertake the mission given to them on that night. It is noted that contemporary practices for the management of flight crew fatigue embrace a more holistic and risk-based approach that would include both institutional and self-monitoring of flight crew fitness for duty.

Probative value

200. The Panel assessed the probative value of the information provided by Strid in so far as it helps to shed additional light on whether fatigue was a contributing factor to the crash of SE-BDY as moderate. Separately, the information provided by Hassler, in so far as it relates to analysis and comments on the flight times of the crew of SE-BDY, constituted a secondary source. In the absence of other supporting documentation made available to the Panel, such as a contemporaneous record of his analysis of the crash of SE-BDY in response to his purported assignment, the Panel assessed the probative value of the information provided by Dr. Hassler in so far as it helps to shed additional light on whether fatigue was a contributing factor to the crash of SE-BDY as weak.

201. However, in the absence of other supporting evidence that may have been able to shed light on this issue, fatigue, to the extent that it may have been a contributing factor, will be difficult to link to and explain the conditions and circumstances resulting in the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him. SE-BDY was not equipped with a cockpit voice recorder (CVR). According to ICAO Standards and Recommend Practices (SARPS) in place at the time, no requirements for the fitment of CVRs were prescribed. With regard to flight data recorders, which record several parameters of an aircraft such as airspeed, altitude, and rate of climb or descent, in a defined period immediately before an aircraft crash, the SARPS recommended that piston-engine aircraft such as SE-BDY only be equipped with such recorders "as required by the State of Registry" (ICAO Appendix 6 Recommended Practice 6.3.2). It was also not mandatory to have recording facilities on all aerodrome control service air-ground communications channels such as the tower at Ndola (ICAO Appendix 11 Recommended Practice 6.1.4.3). Finally, but for Harold Julien, who did not provide any information about the crew prior to or during the flight in the period between the crash and his tragic death, there were no surviving witnesses from onboard the aircraft and it is unlikely that other witness can now be identified who could provide accurate information about the crews' rest periods and other activities outside of their flying duties prior to the flight on the night of 17-18 September.

VIII. New information about the activities of officials and local authorities

202. The UN Commission investigated and analysed the search and rescue action of the local authorities in the wake of the crash, finding, inter alia, that "the fact SE-BDY had crashed was not definitely established until a ground party reached the wreckage shortly after 1500B [1500 local time in Ndola]". The Panel understood this to mean a ground party comprising local authorities or security forces, as opposed to one or more of the many civilians who testified in the official enquiries that they visited the site on the morning of 18 September. Since the conclusion of that inquiry, new information related to the time the aircraft was first located by security authorities has come to light, which the Panel considered in this section alongside issues related to other actions taken by officials in connection with the crash.

Radio communications between SE-BDY and Ndola Tower

203. The Panel noted in its review of the materials a telegram from British High Commissioner to Salisbury, Lord Alport, dated 18 September 1961, in which Lord Alport reported that the "Plane from Leopoldville assumed to be carry Hammarskjold passed without landing *or making contact*" (emphasis added). In new information, in his memoir, *To Katanga and On* (1976), which the former British Consul at Elizabethville, Denzil Dunnett, provided to the Hammarskjöld Commission, on 24 January 2013, Dunnett states that sometime on the night of 17-18 September, he overheard a radio call between SE-BDY and the Ndola Control Tower (the time is not specified) in which SE-BDY reported that it would be landing at Ndola within a quarter of an hour. The Panel considered the degree to which the new information helps to establish that officials sought to cover-up that there were radio communications between SE-BDY and Ndola Control Traffic on the night of 17 September 1961. It assessed in that regard the probative value of the new information as moderate.

Incorrect altimeter setting

204. According to information provided by Swedish Army Sergeant, Ingemar Uddgren, in his memoirs (undated), who was based at Kamina Airbase in Katanga on the night of 17-18 September 1961, the QNH (altimeter setting) Ndola Control Tower reported to SE-BDY when it first established communications was such that it would have caused the aircraft to descend to a dangerously low altitude during the approach to land. Sergeant Uddgren was in the air traffic control tower at Kamina around midnight on the night in question and claims to have heard communications between the aircraft's radio operator, Carl Erik Gabriel Rosén, and his colleague in the Kamina Control Tower in which SE-BDY asked Kamina to check the QNH they were given by the Ndola Control Tower. The controller at the Kamina Tower was sure the QNH setting passed to SE-BDY was incorrect and tried to communicate this to SE-BDY but could not re-establish communications. He then expressed with considerable concern to Sergeant Uddgren that the use of that QNH would cause SE-BDY to descend too low.

205. Kamina airfield, which was under the control of UNOC forces, was nominated as an alternate airfield for use in an emergency diversion. It was for that reason that the Swedish-speaking radio operator, Rosén, was on board SE-BDY. His role was to

establish radio contact with Kamina airfield, where the Air Traffic Controller was also Swedish, so the two stations could exchange information without other, non-Swedish speaking operators being able to understand it. The Air Traffic Controller at Kamina was reportedly knowledgeable about the aircraft approach procedure information for Ndola Airfield.

206. Regarding its assessment, the Panel questioned why the information was seemingly not provided to UN officials as soon as the individuals at Kamina realized that something was wrong or, failing that, the other official enquiries or the UN Commission. The Panel assessed the probative value of the information in so far as it helps to establish that the crew of SE-BDY were passed the wrong altimeter setting by Ndola Control Tower as nil.

Delivery of Fouga Magister jets to Katanga

207. In an interview with the Hammarskjold Commission, on 27 June 2013, former-CIA officer David Doyle stated that he was a CIA officer operating in Katanga in the early 1960s. While there and performing a "routine airport check", he observed a United States commercial KC 97 with a United States crew unloading three Fouga Magisters in Katanga (the precise location was not specified) in the middle of the night, sometime in July 1961. He advised that a Colonel Delotervang, whose affiliation is not made clear, had signed for them. He went on to state that the Fouga aircraft, which were purportedly given by the French to the CIA to help counter UN operations in Katanga, later had guns installed. Speculating, he did not know whether Moise Tshombe, France or Belgium had paid for them or whether it was French or Belgian pilots who flew them. The Hammarskjold Commission assessed part of Doyle's memory as "patchy" at times during the discussion with him, which the Panel noted is reflected in his sometimes inconsistent recollection of events in the statement made available to it.

208. The Panel noted that no basis is provided in the information for the assertion that the aircraft were supplied by "the French", the CIA or any other identified source for that matter. That said, while taking into account the lack of corroborating information, which renders the information that of a solitary witness only, the Panel assessed the degree to which the information helps establish that three Fouga jets were delivered to Katangese forces prior to the crash of SE-BDY as moderate.

Compromised cipher machine

209. Sixten Svensson, the brother-in-law of the now deceased Boris Hagelin, the founder of Crypto AG, the Swiss company that produced the CX-52 cipher machine used by Hammarskjold throughout his visit to the Congo, explained to the Hammarskjold Commission, on 6 March 2013, that Hagelin had told him that machine was among those intentionally designed such that their transmissions could be surreptitiously intercepted by the NSA and other select intelligence agencies unbeknownst to anyone other than the manufacturer and the intelligence agencies. Svensson explained to that Commission that the device was designed so that, "The traffic between UN Secretary General Dag Hammarskjold and the UN in New York in September 1961, was therefore fully readable for the NSA, CIA and GCHQ the moment the document was read at the United Nations." This was purportedly part of "Borisprojekt", a project whereby cryptographic machines were sold with a setting that, unbeknownst to the users, allowed the NSA and GCHQ, possibly among other

agencies, to receive the information unencrypted. Hagelin apparently wrote about this in a memoir scheduled for publication no earlier than 2033, 50 years after his death.

210. While this interception capability may have existed, searches to date within the UN records and other archives have not revealed the existence of any cable sent to or received during the flight. However, communications between the UN in Katanga and UN headquarters in the days leading up to and following the events on the night of 17-18 September, if intercepted, could have provided information about the travel and other arrangements being made for the meetings between Hammarskjold and Tshombe. As it pertains to the possibility that communications sent from the CX-52 cryptographic machine used by Hammarskjold during his visit were intercepted by the NSA and possibly other intelligence agencies as alleged, the Panel assessed the information as having moderate probative value.

Time the crash site was located by the authorities I

211. Rhodesian authorities reported first locating the wreckage of SE-BDY at 1510 hours (local time) on 18 September 1961. However, in new information that challenges that account, a total of six of the new witnesses reported visiting the crash site in the early hours of 18 September (Chimema, Custon Chipoya, Lumiya Chipoya, Mast-Ingle, Mwebe and Mwansa) and observing the presence of police or soldiers or both. This sits in contrast with the accounts by Rhodesian Government officials, provided later that day, that security forces first located the wreckage at 1510 hours (local time) on 18 September.

212. A summary of the observations of five of the eyewitnesses who visited the site follows. One (Custon Chipoya) stated that he arrived at the crash site around dawn, at which time there were police and soldiers present. This eyewitness further stated that Hammarskjold's body had been removed, along with pieces of the aircraft. A second eyewitness (Mwebe) stated that he arrived at the site between 0600 and 0700 hours in the morning on 18 September, at which time he observed the presence of police and soldiers. He also claimed that Hammarskjold's body was near an anthill. A third eyewitness (Mwansa) stated that he arrived at the crash site at approximately 0700 hours and saw police present. He advised that the site had been cordoned off and the victims' bodies removed. The fourth eyewitness (Chimema) stated that he arrived at the crash site at 0900 hours and saw police present. He noted that the wreckage was still burning. The fifth eyewitness (Lumayi Chipya) recalled that she visited the site shortly after the crash, at which time she observed police and soldiers present.

213. A sixth new witness (Wren Mast-Ingle) provided, in a statement to Dr. Williams, a fuller account of his visit to the crash site. He purports to have visited the site soon after he heard SE-BDY come down while travelling on his motorcycle nearby (see also para 94). He stated to Dr. Williams that he arrived at the site at the same time as six to eight men wearing combat-like fatigues in two jeeps, who reportedly ordered him away from the site. The witness also stated that the aircraft wreckage was not burnt.

214. Notwithstanding variations in the timing of their arrival at the crash site, some of these witnesses noted that they were not able to get very close to the wreckage as police or other security officials prevented them from doing so (Custon Chipoya,

Mast-Ingle and Mwansa), it was too dangerous to do so because the wreckage was still burning (Ngongo, Mwebe, Chimema) or that there was heavy smoke.

215. However, some of the observations of three of the six new witnesses about the time the victims' bodies were removed and the manner and time at which the site was cordoned off were inconsistent with other known facts about the status of the crash site at the times they claimed to have been there. This suggests that some of these witnesses may in fact have travelled to the site after 1510 hours, by which time recovery and investigation activities were well underway. One of the witness's (Custon Chipoya) reference to "pieces of the aircraft" having been removed may be able to be explained by the fact that so much of the aircraft had been totally destroyed by the crash sequence and the conflagration such that it appeared as if parts of the aircraft had been removed.

216. By definition, none of the new eyewitness accounts are contemporaneous. Further, the general factors affecting the probative value of eyewitness information outlined by the Panel in paragraphs 62 to 66 above apply to the information provided by the new eyewitnesses here. The Panel assessed the degree to which the information provided by the new eyewitnesses helps to establish that the wreckage was found by the authorities prior to 1510 hours, the time presented in their official accounts, as moderate in the case of two eyewitnesses (Chimema and Lumayi Chipoya) and weak in the case of four eyewitnesses (Custon Chipoya, Maste-Ingle, Mwebe and Ngongo).

Time the crash site was located by the authorities II

217. In an interview with the Hammarskjold Commission, on 12 December 2012, former British diplomat, Brian Unwin, who was assistant to Lord Alport at the time of the crash, states that he and Lord Alport were informed by Lord Landsdowne upon their arrival at Salisbury via a flight from Ndola that "there had been a crash and they'd found it and Hammarskjold was dead." Unwin, who had accompanied Lord Alport to Ndola on 17 and 18 September, estimated that he and Lord Alport arrived in Salisbury between 1330 and 1500 hours (local time) (his recollection of the time varies between his accounts of events, with the later recollections being closer to the time of the official sighting of the wreckage). Thus, his comments indicate that he and Lord Alport were informed about the discovery of the crash site before the official account of the site having been discovered by the authorities at 1510 hours. In his book, *The Sudden Assignment* (1965), Lord Alport also recalls first learning upon arrival at Salisbury that the crash site had been located. He recounts the arrival time as 1400 hours (local time in Salisbury, which is the same as that of Ndola), although the Panel was not able to identify the source from which he learnt of the time. A report of the Officer-in-Charge of UNOC to the Secretary-General, dated 17 September 1961, states that "through a direct report received by the United States embassy in Leopoldville from its Air Attaché who was in Ndola, information was received that the wreck of an airplane had been sighted approximately seven miles north-east of the airport and that a ground party was enroute" (S/4940/Add.4). The Panel was unable to locate information confirming this report that the crash site was located by officials at 1400 hours.

218. The time that Lord Alport and Unwin state they were notified that the crash site had been found and that Hammarskjold was dead is inconsistent with the official account of when the wreckage was first located by the authorities, that being

1510 hours local time. This appears to suggest that Lord Landsdowne knew that the aircraft had crashed and that Hammarskjöld was dead prior to the official accounts of when the wreckage was discovered by Rhodesian (or any other) authorities. In assessing the probative value of the information the Panel noted that the persons involved were of a seniority and level of responsibility that they would likely have been kept up-to-date about the search and rescue efforts. However, the information is not contemporaneous and, as far as the issue of possible official collusion is concerned, does nothing more than suggest that the officials covered-up that the crash site was discovered before 1510 hours (local time). The Panel assessed in that regard the probative value of the information as moderate.

Time the crash site was located by the authorities III

219. In the book, *The Rise and Fall of Moise Tshombe* (1968), by Ian Colvin, a foreign correspondent in Ndola at the time of the crash, Colvin describes flying over the crash site at 0900 hours (local time) on 18 September in an aircraft piloted by himself. He reports having seen a long narrow rift in the trees and police moving around in the aircraft wreckage and ashes. This was several hours before the time officials purport to have discovered the wreckage. Colvin does not describe any efforts to notify somebody. In its assessment, the Panel assessed the probative value of the information about police observed at the crash site in the morning of 18 September 1961 as weak.

Reporting of a foreign intelligence agency

220. Among the new information made available to the Panel by the Hammarskjöld Commission was a declassified report from the First Secretary at the British High Commission to Salisbury, and alleged Secret Intelligence Service (MI6) agent, Neil Ritchie, dated 17 September 1961, in which Ritchie details how he transported Moise Tshombe and the British Counsel in Elisabethville, Denzil Dunnett, to Ndola, earlier the same day, whereupon they then awaited the arrival from Leopoldville of Hammarskjöld. While that particular report does not comment on the possible cause of the crash of SE-BDY, its existence and content serves as new information about the presence of the British intelligence agency in the area and that agency's reporting about circumstances related to the activities of Hammarskjöld leading up to the night of 17-18 September. Furthermore, new information presented to the Panel by Dr. Williams was to the effect that portions of files and records of the Government of the United Kingdom potentially related to the events in question have been retained by the Government due to their security classification.

221. In that connection, to assist with its assessments of the probative value of this and other new information, the Panel requested that the competent authorities of the Government of the United Kingdom search for and share with it any information they may have in their possession from Ritchie or other intelligence officials relating to the tragic deaths, and any other relevant materials. Moreover, the Panel requested the same authorities to share with the Panel the retained portions of the records brought to its attention by Dr. Williams (see appendix 7).

222. The Government of the United Kingdom responded, in a letter dated 10 June 2015, that the vast majority of UK material relating to these events has already been released and is available to the public, and that the Foreign and Commonwealth Office has coordinated a search across all relevant UK departments, none of which

have identified any pertinent material. It further noted that after having commissioned a review of all of the retained material in question to determine whether this can now be released, that review has determined that the Government of the United Kingdom is not in a position to release any of it due to security-related reasons. It further noted that the redactions consist of individual pieces of text within otherwise open files and that the total amount retained is very small and consists of only a few words (see appendix 7).

IX. Summary of key findings and conclusions

Summary of key findings

New information on the cause of death or other alleged intervening causes of death

223. The Panel assigned nil probative value to the information made public in 2005 that Hammarskjöld had a round hole in his forehead, having suffered a gunshot injury. No medical evidence was found that he sustained a gunshot wound, pre- or post-crash. The concurrent forensic opinion is that he died instantaneously (the Rhodesian Commission of Inquiry) or within a few seconds after impact (the UN Commission and Knudssen) or that his post-crash survival was only brief (Drs. Ranner, Busch and James). The external forensic experts consulted by the Hammarskjöld Commission and the Panel respectively support the correctness of the post-mortem examinations conducted by Drs. Ross, Stevens and Smith in 1961.

224. The new information from an eyewitness to the effect that Hammarksjöld was alive and struggling to survive at the crash site, on 18 September 1961, is of nil probative value.

225. The new additional allegation that two mercenaries (Swanepoel and Colin John Cooper) had shot Hammarskjöld after the crash lacks any probative value.

226. The confirmed existence of 200 original X-rays of all of the victims of the tragic air crash and the "Analysis of Pathological Findings on Victims of Accident of UN Aircraft", recorded contemporaneously with the event, in the records of Dr. Ross deposited in the archives of the University of Dundee, and the photocopies of the official post-mortem medical examination reports also of all the victims that were made under the Inquests Act, among the archives of Dr. Smith at the Office of the Chief Forensic Pathologist of Ontario, enhance the authenticity and propriety of the original autopsy reports conducted by the Northern Rhodesian authorities.

New eyewitness information about the final stages of flight SE-BDY

227. The Panel assigned moderate probative value to the information provided by nine of the 12 new eyewitnesses in so far as it helps to establish one or more of the following:

(a) There was more than one aircraft in the air at the same time as SE-BDY made its approach to Ndola.

(b) Any additional aircraft in the air at the same time SE-BDY made its approach to Ndola were jets.

(c) SE-BDY was on fire before it impacted the ground.

(d) SE-BDY was fired upon or other otherwise actively engaged by other aircraft present while approaching Ndola.

228. That value was assessed on the basis that, notwithstanding factors affecting the reliability of eyewitness observations over the passage of time, they represent first-hand accounts of what they genuinely believed they saw (or heard) and lend weight to the witness accounts provided to the official inquiries.

New information about an aerial or ground attack or other external threat

229. The Panel assigned moderate probative value to the claims made by Charles Southall and Paul Abram to have listened to or read a transcript of an intercept of radio transmissions on the evening of 17-18 September 1961 relating to what they believe was an attack on SE-BDY that brought about the crash. While it was considered technically feasible for a radio transmission to have been intercepted by or relayed to the NSA/CIA listening posts in Cyprus and Greece, where Southall and Abram were stationed, respectively, aspects of the authenticity of their claims are yet to be substantiated by the US Government. In addition, the US Government has informed the Panel in a letter, dated 9 June 2015, that a search of its files and records has not revealed any documents responsive to the request made by the Panel on this matter and that this effort included a search of NSA and CIA records (see appendix 6).

230. The Panel assigned weak probative value to information from one new eyewitness alleging that the wreckage of SE-BDY was sprayed with bullet holes, on the basis of inconsistencies with other known information about the circumstances. However, the Panel accepted that the bullet holes could have, at the time of his observations, been located in an as yet unburnt portion of the aircraft wreckage.

231. The Panel assigned nil probative value to a second witness's claim that there were bullet holes in the wreckage of SE-BDY on the basis that the information was hearsay.

232. The Panel assigned weak probative value to information relating to the claims made by French diplomat, Claude de Kemoularia, that he interviewed a Belgian mercenary pilot by the name of "Beukels" in Paris, in 1967, who allegedly confessed to have unintentionally shot down SE-BDY while attempting to divert the aircraft elsewhere on the night of 17-18 September 1961. That value was assigned on the basis of the unexplained absence of any information about an attempt by de Kemoularia to report the allegations to the appropriate authorities; the apparent absence of the contemporaneous notes taken by de Kemoularia during or soon after the interview; and the response from the Governments of Belgium and France to the Panel that they have no information in their files and records about the matter.

233. The Panel assigned nil probative value to information alleging the involvement of two alleged mercenaries, Van Risseghem and Andre Gilson, on the basis that investigations conducted by the relevant authorities (the Government of Belgium and UNOC, respectively) at the time were able to establish their whereabouts, which demonstrated that it was not physically possible to have been involved in the aerial attack on SE-BDY.

234. The Panel assigned weak probative value to the claim that a purported CIA agent, Roland "Bud" Culligan, shot down SE-BDY on the orders of the CIA. This value was assigned on the basis of the absence of information confirming Culligan's

qualifications and account of events, including as claimed to have been detailed by him in a diary, and the response by the US Government to a request for information by the Panel that there was no reference to Culligan in its records documenting CIA activities at the time in question (see appendix 6).

235. The Panel assigned nil probative value to the claim that two Belgian pilots, including a Major Delin, had boasted in a drunken conversation overheard by a journalist that they had forced down SE-BDY in an aerial attack. This value was assigned on the basis of the claimant's reluctance to testify at the Rhodesian Commission's hearing for his version to be fully tested, while being fully aware that he was requested to do so; and Major Delin's categorical denial before the Rhodesian Commission of Inquiry to have made the remarks.

236. The Panel assigned nil probative value to the claim made by the partner of journalist and writer, Eva Aminoff, that two unnamed Belgian pilots were ordered to shoot down SE-BDY on the basis that the information was hearsay, not contemporaneous and devoid of detailed information that can be tested against other information.

237. The Panel assigned weak probative value to the information that seeks to support the proposition that a Fouga Magister jet, De Havilland Dove or a Dornier DO-27 or DO-28 aircraft was used in an aerial attack on SE-BDY. The information speaks only to the issue of aircraft capability, for which there are a number of doubts expressed based on operational and other limitations.

New information about sabotage

238. The probative value of the documents made public by the South African Truth and Reconciliation Commission, on 19 August 1998, and purportedly issued by the South African Institute for Maritime Research (SAIMR) ordering "Operation Celeste", which targeted Hammarskjold's "removal", have weak probative value mainly due the non-establishment of their authenticity; uncertainty of their chain of possession; and the non-confirmation of whether or not SAMIR existed in September 1961, much as its contents refer to instructions to plant a 6 lb bomb on board SE-BDY, the feasibility of which existed when it was left unguarded for an hour or more at Leopoldville.

239. There is nil probative value in the claim made in 2015 that staff members of a Foreign Embassy (Romania) in Leopoldville were involved in planting an explosive device on SE-BDY while it was on the tarmac at Leopoldville airport, on 17 September 1961, merely because its staff members were allegedly also declared persona non grata on that very day.

240. As potential physical evidence, a piece of metal found at the crash site in 1975 by a former United Nations Staff member has nil probative value, it having been assessed by the United States National Transportation Safety Board as probably not from an aircraft and, in regard to the holes in it, by Danish ballistic experts that the size and appearance of those holes do not show the signature of a bullet penetration.

241. In the absence of the source of the information, authenticity and verifiable details that can be tested, the claim in a newspaper article, published on 3 July 1978, to the effect that the explosive device on board SE-BDY was of "standard KGB incendiary design" was assigned nil probative value.

New information about hijacking

242. The new information that a hijacker was smuggled aboard SE-BDY, on 17 September 1961, before it left Leopoldville in order to force it to re-route to an unspecified location and thus prevent the intended ceasefire negotiations between Hammarskjöld and Tshombe in Ndola has nil probative value.

243. The new information from two former senior UN officials that shortly after the air crash, the former Prime Minister of Northern Rhodesia and Nyasaland, Roy Welensky, alluded to the possibility of an "extra" passenger on board SE-BDY has nil probative value given that the information was hearsay, lacked details, the identities of all the sixteen passengers on board the airplane were positively established immediately after the tragic event, and the host of unanswered questions on the probability of such an enterprise.

New information about human factors

244. The Panel assigned moderate probative value to information in which it was reported that three of the four members of the flight crew had flown up to 16.8 hours, almost entirely at night, in the 24 hours preceding the crash of SE-BDY and therefore did not appear to have had sufficient opportunity for adequate rest. The information was a contemporaneous analysis conducted by qualified staff working for the relevant Swedish authorities, drawing from records of Transair, the operating company of SE-BDY.

245. The Panel assessed as weak the probative value of information from another source that also alleges the crew was fatigued as a result of excessive flight hours, on the basis the information provided was from a secondary source and that a contemporaneous record of the claimant's analysis of the crash of SE-BDY in response to his purported assignment was not provided to the Panel.

New information about the activities of officials and local authorities

246. The new information from two eyewitnesses that the aircraft wreckage was found by Northern Rhodesian authorities prior to 1510 hours, the time presented in its official account, has moderate probative value.

247. The new information from a witness who visited the site soon after SE-BDY crashed and, while there, allegedly saw six to eight men wearing combat-like fatigues, and who may have been from the army or the police, has weak probative value because, among other considerations, it calls into question the first sighting of the crash by a member of the air search party who reported having spotted the wreckage from the air and the official account by Northern Rhodesian authorities that the police reached the crash site at around 1510 hours.

248. The new information conveyed in 1995 by Lord Alport that upon his arrival in Salisbury, at 1400 hours on 18 September 1961, Lord Lansdowne informed him that Hammarskjöld's plane had been found and that Hammarskjöld was dead, which was before the official time given by authorities for the discovery of the wreckage, is of moderate probative value.

249. There is nil probative value in the new information provided by a former Army Sergeant based at the Kamina Airbase in Katanga and under the control of UNOC that the Ndola Control Tower communicated an incorrect QNH (altimeter setting) to

SE-BDY, which could have caused it descend to a dangerously low altitude, as this contention was neither reported to the United Nations or the troop-contributing country to which he belonged, in a timely fashion or at all, until he later disclosed it in his memoirs.

250. The Panel assigned moderate probative value to the new information that communications sent from the CX-52 cryptographic machine used by Hammarskjold during his visit to the Congo were intercepted by intelligence agencies based on the preliminary information provided to the Hammarskjöld Commission, on 6 March 2013, by the brother-in-law of the founder of Crypto AG, the Swiss company that produced the machine.

Conclusions

251. The corpus of the new information and its probative value on the possible causes of death of Hammarskjöld and of some of the members of the party accompanying him does not discredit the propriety, findings and conclusions of the original post-mortem examination of the occupants of SE-BDY.

252. The Panel is of the view that, if any further inquiries into this matter are agreed to by the General Assembly, little will be gained by subjecting the surviving eyewitnesses that reside in Zambia to additional questioning. Their testimony, in so far as it is now part of the official UN record, would remain available to be tested against the body of the current information and any new information that may come to light in the future.

253. The Hammarskjöld Commission recommended that the initial purpose of reopening the UN Commission's investigation of 1961-1962 was to confirm or refute, based on the disclosure of communications intercept records, evidence indicating that the crash of SE-BDY was brought about by some form of attack or aerial threat. In particular, that Commission considered it important for the Panel to pursue with the US Government the disclosure of the two documents reported by the NSA to be "responsive" to its request but which remained exempt from disclosure due to their classification. One member of the Panel was afforded full access to the two "responsive" files and assessed that the information contained therein would not help to establish the facts of the cause of the aircraft crash or the cause or causes of the tragic deaths. The Panel member also assessed that it did not contain any information relating to the interception of communications about an attack on SE-BDY. Despite the submission of other specific information requests by the Panel to certain Member States, those States that have responded have advised that they were unable to locate any documents responsive to the requests. However, this is a line of inquiry that the Panel considers has not yet been exhausted.

254. Since the conclusion of the UN Commission's inquiry, there have been several claims made by mercenaries, or their interlocutors, and other agents that they shot or otherwise forced down SE-BDY in an aerial attack. Most of the new information before the Panel on this matter lacks credibility.

255. Based on information the Panel has reviewed during its mandate, it appears that United Nations information sources may have underestimated the level of resources that were available to Katanga at the time of the events of 17-18 September, including with regard to the number and types of aircraft that were in use. Nevertheless, information regarding the Fouga Magister, the

De Havilland Dove and the Dornier DO-27 and DO-28, speak only to the capability of those aircraft to perpetrate an aerial attack or threat. The information does not help to support the proposition that one of those aircraft types was actually involved in an aerial attack or threat on SE-BDY on the night in question.

256. The claim about a possible sabotage of SE-BDY by the installation or planting of explosives or other such incendiary devices is weakly supported by the body of new information.

257. Collectively examined by the Panel, the sum of the new information and its probative value on hijacking neither supports nor reinforces the hypothesis that SE-BDY may have been subjected to a hijack while flying from Leopoldville and Ndola.

258. On the matter of possible official collusion by a State or States or their officials, the probative value of the new information before the Panel does not substantiate its existence. At the same time, it also does not exclude or eliminate such a possibility given the open questions in this regard.

259. While there was some consideration by the UN Commission regarding the effects of fatigue on flight crew performance, it was nevertheless insufficient by contemporary investigation standards. However, the possible role of crew fatigue does not in and of itself, explain the cause of the crash or the extent, if at all, to which fatigue was a contributing factor to the crash of SE-BDY under one or more of the hypotheses of the possible causes.

260. Considered in its totality, apart from the discovery of primary and secondary medical material, the new information is only marginally supported by any physical evidence.

261. In relation to the parts of the new information about an aerial attack or threat and its probative value, which was assessed as moderate, the statements by eyewitnesses that they observed more than one aircraft in the air at the same time as SE-BDY made its approach to Ndola or of jets or that SE-BDY was on fire before it impacted the ground or that it was fired upon or other otherwise actively engaged by other aircraft present; the alleged hearing of radio transmissions or reading of a radio transcript about the event by two witnesses; and the additional information that has emerged on the air capability of the provincial Government of Katanga in 1961 and its use of foreign military and paramilitary personnel, may also provide an appreciable lead in pursuing the truth of the probable cause or causes of the air crash and tragic deaths.

X. Recommendations

262. The Panel provides the following recommendations:

(a) The Panel notes that the records and archives containing information on the conditions and circumstances resulting in the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him, including primary and secondary material such as the original X-rays and the post-mortem medical examination reports of the victims, pathological analysis and charts and other crucial medical information are held in both private and public archival holdings, and are located in various States (Canada, Sweden and the UK)

and institutions (Bodleian Library at the University of Oxford, National Archives of Sweden, Office of the Chief Forensic Pathologist in Ontario, Royal Library of Sweden, University of Dundee and United Nations Secretariat). The Panel recommends that the Secretary-General, in cooperation with Member States, institutions and individuals holding such archives, explore the feasibility of the establishment of a central archival holding or other holistic arrangement that would enable access by electronic or other appropriate means to those records and archives by the United Nations and any other authorized parties with a view to ensuring their continued and enhanced preservation and access.

(b) The Panel recommends that the Secretary-General should continue to urge Member States to disclose, declassify or allow privileged access to the Secretary-General to information they may have in their possession related to the circumstances and conditions resulting in the tragic deaths. In that connection, the Panel invites the Secretary-General to follow-up on the unfulfilled aspects of the Panel's requests to Member States for specific information related to the event.

(c) Drawing from the Panel's key findings and conclusions, as a guide, the Panel recommends that upon the receipt by the Secretary-General of any additional new information from Member States or other sources that increases the probative value of any currently existing information, the Secretary-General, or an independent body should he deem it preferable to establish one, should carry out a focused and concerted examination of the degree to which the information establishes the conditions and circumstances resulting in the tragic death of former Secretary-General Dag Hammarskjold and of the members of the party accompanying him. The Panel further recommends that the Secretary-General report that new information and the findings of the examination thereof, including in so far as it alters the probative value of the information considered in this report or that of the UN Commission, to the General Assembly.

263. The final revelation of the whole truth about the conditions and circumstances resulting in the tragic death of Dag Hammarskjold and of members of the party accompanying him would still require the United Nations, as a matter of continuity and priority, to further critically address remaining information gaps, including in the existence of classified material and information held by Member States and their agencies that may shed further light on this fatal event and its probable cause or causes.

(*Signed*) Mohamed Chande **Othman**
Head of Panel

(*Signed*) Kerryn **Macaulay**
Member

(*Signed*) Henrik **Larsen**
Member

United Nations Nations Unies

INDEPENDENT PANEL OF EXPERTS

APPOINTED BY THE SECRETARY-GENERAL PURSUANT TO GENERAL ASSEMBLY RESOLUTION 69/246

(THE DAG HAMMARSKJÖLD PANEL)

REFERENCE: 2015/DHP/01

8 April 2015

Excellency,

I have the honour to refer to General Assembly resolution 69/246 of 29 December 2014 entitled "Investigation into the conditions and circumstances resulting in the tragic death of Dag Hammarskjöld and of the members of the party accompanying him". Furthermore, I have the honour to recall the announcement of His Excellency, the Secretary-General, that he has, in accordance with operative paragraph 1 of resolution 69/246, appointed an Independent Panel of Experts to examine and assess the probative value of new information related to the tragic death of former Secretary-General Dag Hammarskjöld and members of the party accompanying him (the Dag Hammarskjöld Panel).

In my capacity as Head of the Panel, I am pleased to inform you that, together with its other members, Ms. Kerryn Macaulay (Australia) and Mr. Henrik Larsen (Denmark), the Panel has commenced its work as of 30 March 2015. Furthermore, I wish to advise that the Panel is scheduled to submit its findings to the Secretary-General within 10 weeks.

Further to operative paragraph 2 of resolution 69/246 and the Secretary-General's note verbale of 19 January 2015 encouraging Member States to provide him with any relevant records or other relevant information in their possession, the Panel invites Member States to share any such records or information with it. Member States may contact myself or the other members of the Panel through the Secretary to the Panel, Mr. Matthew Willis, who can be reached via email or telephone at willis2@un.org or +1-917-367-4907, respectively.

Please accept, Your Excellency, the assurances of my highest consideration.

Mohamed Chande Othman
Head of the Dag Hammarskjöld Panel

His/Her Excellency
Permanent Representative
Permanent Mission of [...] to the United Nations
New York

United Nations Nations Unies

INDEPENDENT PANEL OF EXPERTS

APPOINTED BY THE SECRETARY-GENERAL PURSUANT TO GENERAL ASSEMBLY RESOLUTION 69/246

(THE DAG HAMMARSKJOLD PANEL)

REFERENCE: 2015-DHP-004

23 April 2015

Excellency,

I have the honour to refer to the mandate of the Independent Panel of Experts established pursuant to General Assembly resolution 69/246 of 29 December 2014 (the Dag Hammarskjöld Panel) to examine and assess the probative value of new information related to the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him. In addition, I have the honour to refer to the note verbale from the Permanent Mission of Belgium to the Secretariat of the United Nations, dated 25 March 2015, advising that the competent Belgian authorities are undertaking a search of their records for information relating to the tragic incident. Furthermore, I wish to refer to my letter to the Permanent Representatives of all Member States to the United Nations, dated 8 April 2015, inviting their Excellencies to share with the Panel any relevant records or other relevant information in their possession, pursuant to the request set out in operative paragraph 2 of resolution 69/246 and by His Excellency, the Secretary-General, in his note verbale of 19 January 2015.

Further to those general requests, and having now reviewed the new information and material presently available to the Panel more closely, the Panel would like to add the following more specific requests related to material potentially of particular relevance to its work. Several sources make reference to the presence of Belgian nationals operating as pilots for, or otherwise supporting, Katagansese forces in and around Congo, in 1961, including an individual referred to by the Commission of Inquiry of 2013, in its report dated 9 September 2013 (A/68/800), as "Beukels". Other such individuals about which new information has come to light include a Mr. Vak Riesseghel (possibly a misspelling of Jan van Risseghem), referred to by the US State Department in a cable from Leopoldville dated 18 September; as well as Messrs. Andre Gilson, Carlos or Charles Huyghe, 'Major' Delin, Jose Magain, Jerry Puren and 'Colonel' Lamouline.

To enable an accurate assessment of the probative value of this new information, the Panel respectfully requests that the competent Belgian authorities search for and share with it any information they may have in their possession about the activities of these individuals in the Congo or Northern Rhodesia (now Zambia) during 1961, as well as relevant information from inquiries into the assassination of Patrice Lumumba and the activities of Fouga jet aircraft

Her Excellency
Permanent Representative
Permanent Mission of Belgium to the United Nations
New York

in and around Katanga during the time in question. Furthermore, the Panel respectfully requests the competent Belgian authorities to search for and share any other relevant information they may have in their possession, including indexes of relevant materials, current and past records and other classified materials they may be able to declassify and share with the Panel.

In addition, as part of the Panel's examination and assessment work, one of its members, Mr. Henrik Larsen, will visit Brussels on 4 and 5 May in order to visit the State Archives of Belgium and meet with Belgian resource persons. In anticipation of that visit, the Panel respectfully requests a search of the State Archives of Belgium for information of potential relevance, including that relating to the roles of Belgian mercenaries in Congo, in particular in Katanga Province, and the Belgian mining company Union Miniere (now Umicore), during 1961.

The provision of such information, should it be located, would greatly assist with the Panel's efforts to assess the probative value of the new information. In light of the passage of time, which was noted by the Secretary-General in his Note A/68/800, we hope that any such documents can now be declassified, in whole or in part, and shared with the Panel.

The Panel may be contacted through the Secretary to the Panel, Mr. Matthew Willis, who can be reached via email or telephone at willis2@un.org or +1-917-367-4907, respectively. The Panel notes it is required to report the findings of its assessment to the Secretary-General by 7 June 2015 and would accordingly appreciate your Government's assistance as soon as possible.

Please accept, Excellency, the assurances of my highest consideration.

Mohamed Chande Othman
Head of the Dag Hammarskjöld Panel

Représentation Permanente du Royaume de Belgique
auprès des Nations Unies

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Réf. : NYKUNO/JUR.01/NV/BC/2015/223
Annexes : 2

CONFIDENTIEL

Le Représentant permanent de la Belgique auprès de l'Organisation des Nations Unies présente ses compliments au Secrétaire général de l'Organisation des Nations Unies et a l'h. nneur de se référer à la note verbale 2013-OLC-000840 du 23 janvier 2015 concernant « L'Enquête sur les conditions et les circonstances de la mort tragique de Dag Hammarskjöld et des personnes qui l'accompagnaient ».

Le Représentant permanent de la Belgique auprès de l'Organisation des Nations Unies a l'honneur de transmettre, en annexe et en complément à la note NYKUNO/JUR.01/NV/AMR/2015/180 du 22 avril 2015, une copie...

1. d'un télégramme de feu le Secrétaire général Dag HAMMARSKJÖLD à feu le Ministre des Affaires étrangères belge, P.-H. SPAAK, daté du 16 septembre 1961.

2. d'une « Note pour le dossier Van Risseghem » émanant du Ministère des Affaires étrangères, datée du 20 septembre 1961 et complétée à la main le 22 septembre 1961. Cette note montre que le Ministère des Affaires étrangères a mené une enquête, avec le concours de la Sûreté belge, au sujet de M. Jan VAN RISSEGHEM, dès réception du télégramme de feu le Secrétaire général Dag HAMMARSKJÖLD. L'enquête a indiqué que M. VAN RISSEGHEM se trouvait en Belgique du 8 au 16 septembre 1961 et qu'il ne pouvait donc pas être le pilote incriminé par feu le Secrétaire général dans les attaques aériennes contre les forces des Nations Unies au Katanga. La note donne une information manuscrite de dernière minute (22 septembre 1961) émanant de la Sûreté belge : « [...] le pilote du Fouga Magister est de nationalité britannique. En tous cas quand le F.M. a mitraillé l'avion Sabena sur la plaine d'Eville et l'avion ONU ultérieurement utilisé par Monsieur H., VAN RISSEGHEM était en Belgique 8 au 16 septembre [...] ». Cette phrase indique que l'avion utilisé par feu le Secrétaire général avait été précédemment mitraillé, ce qui expliquerait les traces de balles relevées sur l'avion, après l'accident qui lui a coûté la vie ainsi qu'à plusieurs autres personnes.

Le Secrétaire général de l'Organisation des Nations Unies
New York

/...

Au sujet de l'assassinat de M. Patrice LUMUMBA, le Représentant permanent de la Belgique auprès de l'Organisation des Nations Unies réfère à l'enquête parlementaire menée en 2001 par la Chambre des représentants de Belgique visant à déterminer les circonstances exactes de cet assassinat et l'implication éventuelle de responsables politiques belges dans celui-ci. Le rapport de la Commission d'enquête, de novembre 2001, est disponible au lien Internet suivant :

http://www.lachambre.be/kvvcr/showpage.cfm?section=%7Ccomm%7Clmb&language=fr&story=lmb.xml&rightmenu=right_publications

Enfin, le Représentant permanent de la Belgique auprès de l'Organisation des Nations Unies a l'honneur d'informer que Mme Christine SOMERHAUSEN, *conseiller-adjoint*, a été désignée comme personne de contact pour le dossier d'enquête sur la mort tragique de M. Dag HAMMARSJKÖLD au sein de l'administration du Service public fédéral Affaires étrangères à Bruxelles (christine.somerhausen@diplobel.fed.be, tél. : +32 (0)2/501 86 37).

Le Représentant permanent de la Belgique auprès de l'Organisation des Nations Unies saisit cette occasion pour renouveler au Secrétaire général de l'Organisation des Nations Unies les assurances de sa haute considération.

New York, le 1er mai 2015

United Nations Nations Unies

INDEPENDENT PANEL OF EXPERTS

APPOINTED BY THE SECRETARY-GENERAL PURSUANT TO GENERAL ASSEMBLY RESOLUTION 69/246

(THE DAG HAMMARSKJÖLD PANEL)

REFERENCE: 2015/IPE/008

23 April 2015

Excellency,

I have the honour to refer to the mandate of the Independent Panel of Experts established pursuant to General Assembly resolution 69/246 of 29 December 2014 (the Dag Hammarskjöld Panel) to examine and assess the probative value of new information related to the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him. In addition, I wish to refer to my letter to the Permanent Representatives of all Member States to the United Nations, dated 8 April 2015, inviting their Excellencies to share with the Panel any relevant records or other relevant information in their possession, pursuant to the request set out in operative paragraph 2 of resolution 69/246 and by His Excellency, the Secretary-General, in his note verbale of 19 January 2015.

Further to that general request, and having now reviewed more closely the new information and material presently available to the Panel, the Panel notes that reference is made by the Commission of Inquiry of 2013 (the Commission), in its report dated 9 September 2013 (A/68/800), to "a transcription of a what appears to be ['UN diplomat' George Ivan] Smith's tape-recorded dictation of [French diplomat Claude] de Kemoularia's account" of a claim by a former Belgian pilot named "Beukels" to have accidentally shot down the 'Albertina' (the aircraft in which Dag Hammarskjöld and the members of his party were travelling) in an attempt to divert it. The conversation between Mr. de Kemoularia and "Beukels" reportedly took place in Paris in 1967.

To enable an accurate assessment of the probative value of this and other new information, as it relates to the circumstances that resulted in the tragic deaths, the Panel respectfully requests the competent French authorities to search for and share with it any materials they may have in their possession relating to that interaction and any other material referring to a Belgian pilot going by the name of "Beukels".

Furthermore, the Panel respectfully requests that the competent French authorities share with it any other relevant information, including indexes of relevant materials, current and past records and classified materials they may have in their custody or possession.

The provision of any such additional information would greatly assist the Panel's efforts

His Excellency
Permanent Representative
Permanent Mission of France to the United Nations
New York

to assess the probative value of the new information available to it. In light of the passage of time, which was noted by the Secretary-General in his Note to the General Assembly (A/68/800), we hope that any such documents can now be declassified, in whole or in part, and shared with the Panel.

The Panel may be contacted through the Secretary to the Panel, Mr. Matthew Willis, who can be reached via email or telephone at willis2@un.org or +1-917-367-4907, respectively. The Panel notes it is required to report the findings of its assessment to the Secretary General by 7 June 2015 and would accordingly appreciate your Government's assistance as soon as possible.

Please accept, Excellency, the assurances of my highest consideration.

Mohamed Chande Othman
Head of the Dag Hammarskjöld Panel

Liberté • Égalité • Fraternité
RÉPUBLIQUE FRANÇAISE

MISSION PERMANENTE DE LA FRANCE AUPRES DES NATIONS UNIES

L'Ambassadeur, Représentant Permanent

New York, le 2 juin 2015

BC/ng
N° 2015 - 515444

La Mission permanente de la France auprès des Nations unies présente ses compliments au Secrétariat du panel Dag Hammarskjöld et a l'honneur de se référer à la lettre, datée du 23 avril 2015, que vous m'avez adressée.

En réponse à cette lettre, la Mission permanente de la France auprès des Nations unies a l'honneur de faire valoir les éléments suivants :

Les recherches effectuées dans les archives du Ministère des Affaires étrangères et du développement international n'ont pas permis de trouver trace d'une conversation tenue entre M. Claude de Kemoularia et un pilote belge nommé « Beukels », relative à la mort de M. Dag Hammarskjöld. Les archives consultées sont publiques et non classifiées.

Comme il a été indiqué, la Mission permanente de la France auprès des Nations unies a accepté que les membres du panel consultent eux-mêmes ces archives in situ, si la demande en est faite.

En revanche et à la suite de démarches entreprises en France, il est apparu que, compte-tenu de l'âge et de l'état de santé de M. Claude de Kemoularia, celui-ci n'était pas en mesure de pouvoir répondre aux questions du Panel.

La Mission permanente de la France auprès des Nations unies saisit cette occasion pour renouveler au Secrétariat du panel Dag Hammarskjöld les assurances de sa haute considération.

François Delattre

Secrétariat des Nations Unies
Secrétariat du panel Dag Hammarskjöld

One Dag Hammarskjöld Plaza 245 East 47th Street New York, NY 10017

UNOFFICIAL TRANSLATION

The Permanent Mission of France to the United Nations presents its compliments to the Secretariat of the Dag Hammarskjold Panel and has the honor to refer to the letter dated 23 April 2015 from the Head of the Panel to the Permanent Representative.

In response to the letter, the Permanent Mission of France to the United Nations has the honor to submit the following elements:

Research in the archives of the Ministry of Foreign Affairs and International Development have not permitted to find trace of a conversation between Mr. Claude Kemoularia and a Belgian pilot named "Beukels" concerning the death of Mr. Dag Hammarskjold. These archives are public and not classified.

As indicated, the Permanent Mission of France to the United Nations has accepted for the panel members to consult these archives in situ, if requested.

However, after demarches accomplished in France, it appeared that, given the age and the current health status of Mr. Claude Kemoularia, he was not able to respond to questions from the Panel.

The Permanent Mission of France to the United Nations avails itself of this opportunity to renew to the Secretariat of the Dag Hammarskjold Panel the assurances of its highest consideration.

François Delattre

United Nations Nations Unies

INDEPENDENT PANEL OF EXPERTS

APPOINTED BY THE SECRETARY-GENERAL PURSUANT TO GENERAL ASSEMBLY RESOLUTION 69/246

(THE DAG HAMMARSKJÖLD PANEL)

REFERENCE: 2015-DHP-026

23 April 2015

Excellency,

I have the honour to refer to the mandate of the Independent Panel of Experts established pursuant to General Assembly resolution 69/246 of 29 December 2014 (the Dag Hammarskjöld Panel) to examine and assess the probative value of new information related to the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him. In addition, I wish to refer to my letter to the Permanent Representatives of all Member States to the United Nations, dated 8 April 2015, inviting their Excellencies to share with the Panel any relevant records or other relevant information in their possession, pursuant to the request set out in operative paragraph 2 of resolution 69/246 and by His Excellency, the Secretary-General, in his note verbale of 19 January 2015.

Further to that general request, and having now reviewed the new information and material presently available to the Panel more closely, the Panel would like to add the following more specific request related to material potentially of particular relevance to its work. A German researcher has, following a review of academic archives in Germany, reported to the Panel that the West German intelligence agency, Bundesnachrichtendienst (BND), had established operations in the Congo in the summer of 1960 and was likely monitoring events of significance in the region around the time of the crash of flight SE-BDY in Ndola, Northern Rhodesia (now Zambia), on the night of 17-18 September 1961. In that connection, and to enable an accurate examination and assessment of the probative value of new information related to the deaths, the Panel respectfully requests that the competent German authorities search for and share with it any information they may have in their possession received through their agencies in the Congo or neighbouring countries appearing to relate to the deaths of Dag Hammarskjöld and his party.

Furthermore, the Panel respectfully requests the competent German authorities share with it any other relevant information, including indexes of relevant materials, current and past records and classified materials they may have in their custody or possession.

The provision of any such additional information would greatly assist the Panel's efforts to assess the probative value of the new information available to it. In light of the passage of time, which was noted by the Secretary-General in his Note to the General Assembly

His Excellency
Permanent Representative
Permanent Mission of Germany to the United Nations
New York

(A/68/800), we hope that any such documents can now be declassified, in whole or in part, and shared with the Panel.

The Panel may be contacted through the Secretary to the Panel, Mr. Matthew Willis, who can be reached via email or telephone at willis2@un.org or +1-917-367-4907, respectively. The Panel notes it is required to report the findings of its assessment to the Secretary-General by 7 June 2015 and would accordingly appreciate your Government's assistance as soon as possible.

Please accept, Excellency, the assurances of my highest consideration.

Mohamed Chande Othman
Head of the Dag Hammarskjöld Panel

The Dag Hammarskjöld Panel
NEWYVN POL-1-1-VN Knorn, Till to: willis2@un.org 08/06/2015 12:41 PM
Cc: "NEWYVN POL-AL-VN Schieb, Thomas"

History This message has been replied to and forwarded.

I am referring to your Note Verbal from 23 April 2015 and our telephone conversation and would like to state, that Germany involved all relevant authorities, no relevant information has been found.

Best,

Till Knorn

United Nations Nations Unies

INDEPENDENT PANEL OF EXPERTS

APPOINTED BY THE SECRETARY-GENERAL PURSUANT TO GENERAL ASSEMBLY RESOLUTION 69/246

(THE DAG HAMMARSKJOLD PANEL)

REFERENCE: 2015/DHP/007

23 April 2015

Excellency,

I have the honour to refer to the mandate of the Independent Panel of Experts established pursuant to General Assembly resolution 69/246 of 29 December 2014 (the Dag Hammarskjöld Panel) to examine and assess the probative value of new information related to the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him. In addition, I wish to refer to my letter to the Permanent Representatives of all Member States to the United Nations, dated 8 April 2015, inviting their Excellencies to share with the Panel any relevant records or other relevant information in their possession, pursuant to the request set out in operative paragraph 2 of resolution 69/246 and by His Excellency, the Secretary-General, in his note verbale of 19 January 2015.

Further to those general requests, and having now reviewed the new information and material presently available to the Panel more closely, the Panel would like to add the following more specific requests related to material of relevance to its work. Reference is made by the Commission of Inquiry of 2013 (the Commission), in its report dated 9 September 2013 (A/68/800), to a file passed to the South African Truth and Reconciliation Commission, in July 1998, by the National Intelligence Agency relating to the assassination of the former leader of the South African Communist Party, Chris Hani. That file reportedly contained documents referring to an operation codenamed 'Celeste' that, according to the Commission's report, "... bore the letterhead of the South African Institute for Maritime Research [and] purported to report that a bomb planted on Hammarskjold's aircraft had failed to explode on take-off from Leopoldville but had been activated before landing."

To enable an accurate assessment of the probative value of this new information, the Panel respectfully requests that the competent South African authorities search for and share with it any records or other materials relating to the documents referred to in the Commission's report, which the Commission advises may be held by the Department of Justice; any references to the existence at the time in question of the South African Institute for Maritime Research; or any other materials they may have in their possession that either negates or corroborates information about the purported plan referred to in the Commission's report.

In addition, the Commission reported that a "former Katangan mercenary" named Colin

His Excellency
Permanent Representative
Permanent Mission of the Republic of South Africa to the United Nations
New York

Cooper (nationality unspecified) alleged to the Norwegian police, in 2005, that a South African national by the name of Swanepoel told him during a stay in Elisabethville that Swanepoel, among others, had been posted in the bush to wait for Dag Hammarskjöld's plane and, once it had crashed, shot and killed a bodyguard who had survived the crash and the Secretary-General. The Panel respectfully requests the competent South African authorities to search for and share with it any information they may have in their possession relating to that claim, as well as any other relevant information they may have about the existence and activities of one or more South Africans working as a mercenaries in Katanga in 1961 with the name Swanepoel.

Furthermore, the Panel respectfully requests the competent South African authorities to share with it any other relevant information, including indexes of relevant materials, current and past records and classified materials they may have in their custody or possession.

The provision of any such additional information would greatly assist the Panel's efforts to assess the probative value of the new information available to it. In light of the passage of time, which was noted by the Secretary-General in his Note to the General Assembly (A/68/800), we hope that any such documents can now be declassified, in whole or in part, and shared with the Panel.

The Panel may be contacted through the Secretary to the Panel, Mr. Matthew Willis, who can be reached via email or telephone at willis2@un.org or +1-917-367-4907, respectively. The Panel notes it is required to report the findings of its assessment to the Secretary-General by 7 June 2015 and would accordingly appreciate your Government's assistance as soon as possible.

Please accept, Excellency, the assurances of my highest consideration.

Mohamed Chande Othman
Head of the Dag Hammarskjöld Panel

United Nations Nations Unies

INDEPENDENT PANEL OF EXPERTS

APPOINTED BY THE SECRETARY-GENERAL PURSUANT TO GENERAL ASSEMBLY RESOLUTION 69/246

(THE DAG HAMMARSKJOLD PANEL)

REFERENCE: 2015 DHP-009

23 April 2015

Excellency,

I have the honour to refer to the mandate of the Independent Panel of Experts established pursuant to General Assembly resolution 69/246 of 29 December 2014 (the Dag Hammarskjöld Panel) to examine and assess the probative value of new information related to the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him. In addition, I wish to refer to my letter to the Permanent Representatives of all Member States to the United Nations, dated 8 April 2015, inviting their Excellencies to share with the Panel any relevant records or other relevant information in their possession, pursuant to the request set out in operative paragraph 2 of resolution 69/246 and by His Excellency, the Secretary-General, in his note verbale of 19 January 2015.

Further to those general requests, and having now reviewed the new information and material presently available to the Panel more closely, the Panel would like to add the following more specific information requests related to material of relevance to its work.

The Panel has received a copy of a cable sent from the US embassy in Leopoldville (now Kinshasa) to Washington D.C., on 18 September 1961, reporting the "possibility [the aircraft carrying Dag Hammarskjöld and the members of the party accompanying him] was shot down by the single pilot who has harassed UN operations and who has been identified by one usually reliable source as Vak Riesseghel [possibly a misspelling of Jan van Risseghem], Belgian". The Panel respectfully requests the competent US authorities to search for and share with the Panel records or files they may have in their possession that include any response to the said cable, as well as any other material that could shed light on the basis for the report, as well as any other reporting on the matter.

The Panel notes that reference is made by the Commission of Inquiry of 2013 (the Commission), in its report dated 9 September 2013 (A/68/800), to claims made by a former United States Navy officer previously stationed at the US National Security Agency's naval communications facility in Cyprus, Mr. Charles Southall, to have heard a recording of a radio communication in which an aircraft pilot reports attacking and downing another aircraft on the night of 17-18 September 1961, the night the aircraft carrying Dag Hammarskjöld and the members of his party crashed near Ndola,

Her Excellency
Permanent Representative
Permanent Mission of the United States to the United Nations
Washington D.C.

Northern Rhodesia (now Zambia). Furthermore, the Panel has reviewed a transcript of an interview conducted by Sir Stephen Sedley, the Head of the Commission, with Mr. Southall, on 21 September 2012, that provides the basis for the Commission's reporting on the matter. In that interview, Mr. Southall expresses the belief such a recording or a transcript thereof is likely stored in the archives of the US National Security Agency. In its response to a Freedom of Information Act request submitted by the National Security Archive, on behalf of the Commission, in connection with Mr. Southall's claim, the National Security Agency advised, in a letter dated 20 August 2013, that two out of three documents found to be responsive to the request are exempt from disclosure to the Commission due to their classification as top secret. Similarly, media reports refer to a former US Air Force staff member, Mr. Paul Henry Abram, purportedly assigned to the National Security Agency station in Iraklion, Greece, to monitor radio traffic who claims to have heard similar radio exchanges on the night in question.

In order to assess the probative value of this new information, as it relates to efforts to ascertain the circumstances that resulted in the tragic deaths, the Panel respectfully requests the competent US authorities to search their files for records or transcripts of radio traffic intercepted or received on the night of 17-18 September 1961 concerning the landing or approach of an aircraft at Ndola, Northern Rhodesia, between 2130 GMT on 17 September 1961 and 0330 GMT on 18 September 1961, as well as potentially related records of correspondence between Washington D.C. and the US embassies in Cyprus and Greece, respectively, around the time in question. Furthermore, the Panel respectfully requests the competent US authorities to disclose in whole or in part the contents of the two documents referred to in the aforementioned National Security Agency letter as responsive to the Commission's request.

Moreover, the Panel would welcome information about whether Mr. Southall and Mr. Abram were enlisted in the US Navy and Air Force, respectively, or other branches of the US Government at the time in question; stationed in Cyprus and Greece, respectively; and whether and in what capacity they worked in support of the National Security Agency at that time.

The Panel notes the Commission's reporting on the presence of two US Air Force aircraft, possibly DC-3 Dakotas, on the tarmac at Ndola airfield on the night of the crash, which Rhodesian Royal Air Force Squadron Leader Mussell reported to the UN inquiry of 1962 were "sitting on the airfield with their engines running". The latter observation was assessed at the time as inviting the possibility those on board were listening to radio communications in the area or transmitting information to another station or both. In assessing the probative value of this information, the Panel respectfully requests the competent US authorities to search their records for and share with the Panel any information they may have in their possession obtained or transmitted by those aboard the two US Air Force aircraft that could shed light on the circumstances relating to the tragic crash of flight SE-BDY.

Reference is made in a Washington Post report, dated 3 June 1978, to an investigative article that refers to a purported Central Intelligence Agency (CIA) report apparently submitted to President Kennedy in 1962 stating "There is evidence collected by our technical field operatives that the explosive device aboard the aircraft [flight SE-

BDY] was of a standard KGB incendiary design". The Panel would be most grateful for information about the existence and basis of that alleged CIA report, or other CIA reports or related information it may have in its possession that would shed light on the circumstances surrounding the crash of the aircraft carrying Dag Hammarskjöld and his party.

A New York Times article published in 20 September 1961 quotes former President Harry S. Truman as stating, "Dag Hammarskjöld was on the point of getting something done when they killed him. Notice that I said 'When they killed him'." The Panel respectfully requests the competent US authorities to search for and share with it information they may have in their possession, such as briefings to former President Truman that may provide the basis for the afore-mentioned statement.

The Panel respectfully requests that the afore-mentioned searches include, where relevant, US National Archives and Records files, including the relevant United States department and agency files; presidential library records, in particular those of Presidents Eisenhower, Hoover, Johnson, Kennedy and Truman; master schedules for the Central Intelligence Agency, Federal Bureau of Investigation and National Security Agency; and United States Congress records.

The provision of any such additional information would greatly assist the Panel's efforts to assess the probative value of the new information available to it. In light of the passage of time, which was noted by the Secretary-General in his Note to the General Assembly (A/68/800), we hope that any such documents can now be declassified, in whole or in part, and shared with the Panel.

The Panel may be contacted through the Secretary to the Panel, Mr. Matthew Willis, who can be reached via email or telephone at willis2@un.org or +1-917-367-4907, respectively. The Panel notes it is required to report the findings of its assessment to the Secretary-General by 7 June 2015 and would accordingly appreciate your Government's assistance as soon as possible.

Please accept, Your Excellency, the assurances of my highest consideration.

Mohamed Chande Othman
Head of the Dag Hammarskjöld Panel

United Nations Nations Unies

INDEPENDENT PANEL OF EXPERTS

APPOINTED BY THE SECRETARY-GENERAL PURSUANT TO GENERAL ASSEMBLY RESOLUTION 69/246

(THE DAG HAMMARSKJOLD PANEL)

REFERENCE: 2015-DHP-017

28 May 2015

Excellency,

I have the honour to refer to the mandate of the Independent Panel of Experts established pursuant to General Assembly resolution 69/246 of 29 December 2014 (the Dag Hammarskjöld Panel) to examine and assess the probative value of new information related to the tragic deaths of former Secretary-General Dag Hammarskjöld and the members of the party accompanying him. In addition, I wish to refer to my letter to Your Excellency, dated 23 April 2015, conveying several specific information requests relating to an assessment of the probative value of new information about the tragic deaths. Further to that letter, the Panel wishes to add the following requests regarding material relevant to its work.

In its ongoing review of the new information, the Panel has noted correspondence and other materials referring to the alleged involvement of a purported former-US Air Force and former-Central Intelligence Agency employee or contractor, Mr. Roland B. Culligan, in an aerial attack on flight SE-BDY, the aircraft carrying former Secretary-General Dag Hammarskjöld and his party, near Ndola on the night of 17-18 September 1961. The materials describe a claim made by Mr. Culligan in an interview with an attorney, Mr. Jerome N. Frank, in the mid-1970s, that Mr. Culligan carried out the attack in a P-38 Lightning aircraft he flew from Tripoli (Libya) to Ndola, via Abidjan and Brazzaville. According to Mr. Culligan's account, the attack resulted in the downing of flight SE-BDY. The Panel understands that the claim was brought before the United States Senate Select Committee to Study Governmental Operations with Respect to Intelligence Services (the "Church Committee") in 1975.

In order to assess the probative value of this new information, the Panel respectfully requests that the competent US Government authorities search for and share with the Panel any information they may have in their possession relating to the claim. Moreover, the Panel respectfully requests information about whether Mr. Culligan was enlisted in or contracted by the Central Intelligence Agency, or other branches of the US Government, at the time in question and whether he undertook activities in connection with the work of the Central Intelligence Agency or other US Government agencies. In addition, information the US Government may have about whether Mr. Culligan possessed the knowledge and expertise required to fly an aircraft on a mission of the nature he described would also be very welcome.

Her Excellency
Permanent Representative
Permanent Mission of the United States to the United Nations
New York

In his book, "True Men and Traitors: From the OSS to the CIA. My Life in the Shadows" (2004), author and purported former-CIA agent, David W. Doyle, writes that he observed the delivery of three Fouga Magister aircraft to the Katanga region by a US commercial KC-97 cargo aircraft in the period preceding the crash of flight SE-BDY. According to an interview of Mr. Charles Southall by members of the Dag Hammarskjold Commission of Inquiry of 2013, Mr. Doyle later conveyed the same observations to Mr. Southall in a phone conversation in "the autumn of 2012".

To enable an assessment of the probative value of this new information, the Panel respectfully requests that the competent US Government authorities search for and share with the Panel any information they have about the delivery of such aircraft to the Katanga region. In addition, the Panel would be grateful for information about whether Mr. Doyle was a member of the Central Intelligence Agency or other US Government department or agency and, if so, whether he was posted to the Congo or the surrounding region at or around the time in question.

The provision of such information would greatly assist the Panel's efforts to assess the probative value of the new information before it. In light of the passage of time, which was noted by the Secretary-General in his Note to the General Assembly (A/68/800), we hope that any relevant documents can now be declassified, in whole or in part, and shared with the Panel.

The Panel may be contacted through the Secretary to the Panel, Mr. Matthew Willis, who can be reached via email or telephone at willis2@un.org or +1-917-367-4907, respectively. The Panel notes it is required to report the findings of its assessment to the Secretary-General by 12 June 2015 and would accordingly appreciate your Government's assistance as soon as possible.

Please accept, Your Excellency, the assurances of my highest consideration.

Mohamed Chande Othman
Head of the Dag Hammarskjöld Panel

UNITED STATES MISSION TO THE UNITED NATIONS

799 UNITED NATIONS PLAZA
NEW YORK, N.Y. 10017-3505

June 9, 2015

Dear Chief Justice Othman,

Dag Hammarskjöld was a peerless visionary and diplomat and a remarkable Secretary-General. His tragic death was a loss shared by the entire world.

The United States shares an interest in understanding the circumstances of the death of Dag Hammarskjöld.

Ambassador Sison and I were pleased to meet with you on May 11, 2015, on behalf of Ambassador Power and the U.S. Government. As we discussed, we have received your letter dated April 8, 2015, regarding a general request for information and your letter of April 23, 2015, regarding several specific requests for information. We have also received your letter dated May 28, 2015 containing additional requests for information. We in the U.S. Government have done our best to be as responsive as possible to your requests.

In your letter of April 23, 2015, you noted that you had received a copy of a cable sent from the U.S. Embassy in Leopoldville to Washington, DC, on September 18, 1961 reporting the possibility that the aircraft carrying Secretary-General Hammarskjöld was shot down by a Belgian pilot, identified by name, who had "harassed UN operations." You asked for records or files that include any response to this cable as well as any other material that could shed light on the basis for the report, as well as any other reporting on the matter.

As Ambassador Sison informed you at our meeting on May 11, State Department searches have revealed a number of documents that are responsive to this request. Ambassador Sison was pleased to give copies of these documents – now de-classified – to you at our meeting on May 11.

Chief Justice Mohamed Chande Othman
Head of the Dag Hammarskjöld Panel
United Nations
New York, New York

Your letter also makes reference to the Commission of Inquiry of 2013, and claims made by Mr. Charles Southall during an interview with the head of the Commission that he heard a recording of a radio communication in which an aircraft pilot reports attacking and downing another aircraft on the night of September 17-18, 1961. Your letter notes that the Commission reported Mr. Southall's belief that such a recording or a transcript thereof is likely stored in the archives of the National Security Agency (NSA). Your letter notes the Freedom of Information Act (FOIA) request, submitted by the National Security Archive on behalf of the Commission, and the NSA's response that two of the three documents found to be responsive to the request are exempt from disclosure because they are classified at the top secret level.

Your letter requested that the United States search its files for records or transcripts of radio traffic intercepted or received on the night of September 17-18, 1961, concerning the landing or approach of an aircraft at Ndola, Northern Rhodesia, between 2130 GMT on September 17, 1961, and 0330 GMT on September 18, 1961, as well as potentially related records of correspondence between Washington and Embassies in Cyprus and Greece, respectively, around this time.

The United States has performed a search and has not found any documents matching the description of the documents that you requested. This includes a search of NSA and Central Intelligence Agency (CIA) records.

The National Security Archive, acting on behalf of the Commission, filed a FOIA request with the NSA for radio intercepts as described in your letter, but also asked for "any reports, memoranda or other correspondence about the airplane that carried" Dag Hammarskjöld. The National Security Agency, in its response, interpreted the request broadly, stating "We have interpreted it broadly in order to enable a more thorough search." Under this broad interpretation, the NSA said that it had found responsive documents, but that they remained top secret and could not be disclosed. The documents are not transcripts of recordings of a purported radio communication in which an aircraft pilot reports attacking and downing another aircraft on the night of September 17-18, 1961, and the United States is not aware of the existence of any such transcript.

You requested that the US disclose the contents of the two documents. Under a special arrangement, Ms. Kerryn Macaulay, a member of the Panel, was permitted to read copies of these two NSA documents on a confidential basis. These were copies of the same two NSA documents which were identified by NSA in response to the FOIA request. We hope that Ms. Macaulay's review of these two documents will enable the Panel to conclude that they do not contain information which would shed light on the circumstances of Dag Hammarskjöld's death.

You requested information about whether Mr. Southall and Mr. Abram were enlisted in the Navy and Air Force, respectively, or other branches of the US Government at the time in question, stationed in Cyprus and Greece, respectively, and whether and in what capacity they worked in support of the National Security Agency at that time. With respect to Mr. Southall, as Ambassador Sison stated during our meeting on May 11, we have received information that indicates that he joined the Navy in 1955 and was released from active duty in 1969, and that he retired from the Naval Reserve in 1978 at the rank of commander. We have requested the Department of Defense to search for information responsive to your other questions regarding Mr. Southall, and for information regarding Mr. Abram.

Regarding the presence of two U.S. Air Force aircraft at Ndola airfield on the night of the crash, we have requested the Department of Defense to search for information responsive to this query.

Regarding the purported CIA report referenced in the Washington Post on June 3, 1978, we have sought information regarding that purported report, including from the Central Intelligence Agency, but the CIA has found no such report or any record of such a report . We have specifically asked representatives from the John F. Kennedy Library whether they have this purported report, and they informed us that they searched their files and also have no record of such a report.

Regarding the New York Times article quoting Harry S. Truman, we have contacted the Harry S Truman Presidential Library. Truman Library representatives informed us that they have searched their files and have found nothing that sheds light on the basis for his alleged comment. They told us that they have no information relating to the death of Dag Hammarskjöld that was communicated to President Truman by President Kennedy or by any other U.S. Government officials. The U.S. Government has not found anything which would shed light on the basis for his alleged comment.

The JFK Library provided us with a link to some documents which are in their online library which relate to the death of Dag Hammarskjöld. We have shared this link with your staff.

Regarding your May 28 letter, the CIA reviewed its records documenting CIA activities during the time in question and found no reference to Mr. Culligan. Likewise, the CIA has conducted a search and has found no documents regarding the presence of Fouga Magister aircraft in the Katanga region around the time in question. In addition, neither the CIA nor the

NSA found responsive information to the requests contained in your letters of April 8 and April 23 of 2015.

I hope that the information that the United States has provided to the Panel has been of assistance to you.

Sincerely,

Mark Simonoff
Minister Counsellor
Legal Affairs

United Nations Nations Unies

INDEPENDENT PANEL OF EXPERTS
APPOINTED BY THE SECRETARY-GENERAL PURSUANT TO GENERAL ASSEMBLY RESOLUTION 69/246
(THE DAG HAMMARSKJOLD PANEL)

REFERENCE: 2015-DHP-005

23 April 2015

Excellency,

Further to our meeting with you on 20 April 2015, please see the attached letter to Dr. Cornelia Sorabji of today's date requesting certain specific information from the United Kingdom National Archives or other relevant Government department or agency files, as applicable. The Panel would be most grateful if the Permanent Mission of the United Kingdom and Northern Ireland to the United Nations would take the necessary steps to support the Panel's request.

Please accept, Excellency, the assurances of my highest consideration.

Mohamed Chande Othman
Head of the Dag Hammarskjöld Panel

His Excellency
Permanent Representative
Permanent Mission of the United Kingdom and Northern Ireland to the United Nations
New York

United Nations Nations Unies

INDEPENDENT PANEL OF EXPERTS
APPOINTED BY THE SECRETARY-GENERAL PURSUANT TO GENERAL ASSEMBLY RESOLUTION 69/246
(The DAG HAMMARSKJÖLD PANEL)

REFERENCE: 2015/DHP/005

23 April 2015

Dear Madam,

I am writing with reference to the Independent Panel of Experts established by the United Nations Secretary-General pursuant to General Assembly resolution 69/246 of 29 December 2014 (the Dag Hammarskjöld Panel), of which I am the Head. That Panel, which consists also of Ms. Kerryn Macaulay and Mr. Henrik Larsen, is mandated to examine and assess the probative value of new information related to the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him.

In connection with the Panel's work, I am kindly requesting a search of all relevant archives and records of the Government of the United Kingdom and Northern Ireland, including national agency and Governmental department archives and records, for any pertinent, as yet unreleased information about the conditions and circumstances relating to the tragic death of Dag Hammarskjöld and of the members of the party accompanying him.

Furthermore, the Panel presently has information that, in order to assess its probative value, warrants more specific information requests. Reference is made in that regard by the Commission of Inquiry of 2013 (the Commission), in its report dated 9 September 2013 (A/68/800), to the presence and activities of the First Secretary, and alleged Secret Intelligence Service (MI6) agent, Neil Ritchie, operating in and around Ndola over the period the aircraft carrying Dag Hammarskjöld and the members of his party crashed. A declassified report from Mr. Ritchie details how, on 17 September, he transported the self-appointed President of Katanga, Moise Tshombe, and the British Counsel in Katanga, Denzil Dunnett, to Ndola, whereupon they then awaited the arrival from Leopoldville of the Secretary-General. While that particular report does not comment on the possible causes of the tragic deaths of Dag Hammarskjöld and the members of his party, the Panel believes it likely that subsequent reporting by Mr. Ritchie or other MI6 personnel present in the area could shed light on the conditions and circumstances relating thereto. In that connection, the Panel respectfully requests that the competent UK authorities search for and share with it any reports they may have in their possession from Mr. Ritchie or other intelligence officials with information relating to the deaths of Dag Hammarskjöld and the members of his party, and any other relevant materials.

In addition, an academic researcher has informed the Panel about the presence in the

Dr. Cornelia Sorabji
United Kingdom Foreign and Commonwealth Office
London

records of the Government of the United Kingdom and Northern Ireland of retained portions of several files of interest and possible relevance to the Panel's assessment. These are as follows:

a. FCO 371/161548 - Enquiry into circumstances of crash of aircraft carrying Dag Hammarskjöld, UN Secretary General – 1962

b. FCO 371/161549 – Enquiry into circumstances of crash of aircraft carrying Dag Hammarskjöld

c. FO 371/155003 - Activities of mercenaries in Belgian Congo - 1961

d. FO 371/155015 - Air traffic to and from Belgian Congo – 1961

e. FO 371/161551 - Supply of aircraft for Katanga - 1962

The Panel respectfully requests the competent UK authorities share the retained portions of those records with it, as well as any other related information they may have in their possession, including indexes of relevant materials, current or past records and other classified materials they may have in their custody or possession.

The provision of any such additional information would greatly assist the Panel's efforts to assess the probative value of the new information available to it. In light of the passage of time, which was noted by the Secretary-General in his Note to the General Assembly (A/68/800), we hope that any such documents can now be declassified, in whole or in part, and shared with the Panel.

You or your staff may contact myself or other members of the Panel through the Secretary to the Panel, Mr. Matthew Willis, who can be reached via email or telephone at willis2@.un.org or +1-917-367-4907, respectively. The Panel notes it is required to report the findings of its assessment to the Secretary-General by 7 June 2015 and would accordingly appreciate your assistance as soon as possible. In that regard, the Panel would gladly receive information as it becomes available, as opposed to in a consolidated form.

Please accept, Madam, the assurances of my highest consideration.

Mohamed Chande Othman
Head of the Dag Hammarskjöld Panel

United Nations Nations Unies

INDEPENDENT PANEL OF EXPERTS

APPOINTED BY THE SECRETARY-GENERAL PURSUANT TO GENERAL ASSEMBLY RESOLUTION 69/246

(THE DAG HAMMARSKJÖLD PANEL)

REFERENCE: 2015.DHP.010

27 April 2015

Dear Sir,

I am writing with reference to the Independent Panel of Experts established by the United Nations Secretary-General pursuant to General Assembly resolution 69/246 of 29 December 2014 (the Dag Hammarskjöld Panel), of which I am the Head. That Panel, which consists also of Ms. Kerryn Macaulay and Mr. Henrik Larsen, is mandated to examine and assess the probative value of new information related to the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him.

In connection with the Panel's work, I am kindly requesting a search of all relevant archives and records of the Government of the United Kingdom and Northern Ireland, including national agency and Governmental department archives and records, for any pertinent, as yet unreleased information about the conditions and circumstances relating to the tragic death of Dag Hammarskjöld and of the members of the party accompanying him.

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In addition, an academic researcher has informed the Panel about the presence in the

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United Kingdom Foreign and Commonwealth Office
London

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c. FO 371/155003 - Activities of mercenaries in Belgian Congo - 1961

d. FO 371/155015 - Air traffic to and from Belgian Congo – 1961

e. FO 371/161551 - Supply of aircraft for Katanga - 1962

The Panel respectfully requests the competent UK authorities share the retained portions of those records with it, as well as any other related information they may have in their possession, including indexes of relevant materials, current or past records and other classified materials they may have in their custody or possession.

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Please accept, Sir, the assurances of my highest consideration.

Mohamed Chande Othman
Head of the Dag Hammarskjöld Panel

United Nations Nations Unies

INDEPENDENT PANEL OF EXPERTS

APPOINTED BY THE SECRETARY-GENERAL PURSUANT TO GENERAL ASSEMBLY RESOLUTION 69/246

(THE DAG HAMMARSKJÖLD PANEL)

REFERENCE: 2015/DHP/01

27 April 2015

Dear Sir,

I am writing with reference to the Independent Panel of Experts established by the United Nations Secretary-General pursuant to General Assembly resolution 69/246 of 29 December 2014 (the Dag Hammarskjöld Panel), of which I am the Head. That Panel, which consists also of Ms. Kerryn Macaulay and Mr. Henrik Larsen, is mandated to examine and assess the probative value of new information related to the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him.

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Mr. Martin Tucker
United Kingdom Foreign and Commonwealth Office
London

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Please accept, Sir, the assurances of my highest consideration.

Mohamed Chande Othman
Head of the Dag Hammarskjöld Panel

United Nations Nations Unies

INDEPENDENT PANEL OF EXPERTS

APPOINTED BY THE SECRETARY-GENERAL PURSUANT TO GENERAL ASSEMBLY RESOLUTION 69/246

(THE DAG HAMMARSKJÖLD PANEL)

REFERENCE: 2015/DHP/012

27 April 2015

Dear Sir,

I am writing with reference to the Independent Panel of Experts established by the United Nations Secretary-General pursuant to General Assembly resolution 69/246 of 29 December 2014 (the Dag Hammarskjöld Panel), of which I am the Head. That Panel, which consists also of Ms. Kerryn Macaulay and Mr. Henrik Larsen, is mandated to examine and assess the probative value of new information related to the tragic death of former Secretary-General Dag Hammarskjöld and of the members of the party accompanying him.

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Mr. Patrick Salmon
United Kingdom Foreign and Commonwealth Office
London

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d. FO 371/155015 - Air traffic to and from Belgian Congo – 1961

e. FO 371/161551 - Supply of aircraft for Katanga - 1962

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You or your staff may contact myself or other members of the Panel through the Secretary to the Panel, Mr. Matthew Willis, who can be reached via email or telephone at willis2@.un.org or +1-917-367-4907, respectively. The Panel notes it is required to report the findings of its assessment to the Secretary-General by 7 June 2015 and would accordingly appreciate your assistance as soon as possible. In that regard, the Panel would gladly receive information as it becomes available, as opposed to in a consolidated form.

Please accept, Sir, the assurances of my highest consideration.

Mohamed Chande Othman
Head of the Dag Hammarskjöld Panel

Foreign &
Commonwealth
Office

Head of Knowledge
Management Department and
Departmental Records Officer

Tel: 0207 008 1118
Fax:
www.fco.gov.uk

Mr Mohamed Chande Othman
Head of the Dag Hammarskjöld Panel
by e-mail

10 June 2015

Dear Mr Chande

DAG HAMMARSKJÖLD PANEL

Please accept my apologies once again that I was not able to provide you with a substantive response to your requests for information within the original timescale given in your letter of 27 April.

You asked us to search across all relevant archives and records in the UK for any pertinent, as yet unreleased information about the conditions and circumstances relating to the tragic death of Dag Hammarskjold and of the members of the party accompanying him. You also asked us to share with the Panel the retained portions of files held by the Foreign and Commonwealth Office (FCO).

The vast majority of UK material relating to these events has already been released to The National Archives at Kew and is available to the public there. The FCO has co-ordinated a search across all relevant UK departments. None of these departments have identified any pertinent material.

I have also commissioned a review of all the retained material listed in your letter to determine whether this material can now be released. This review has been carried out on the basis that all relevant information should be released to the Panel unless it is absolutely necessary to continue to withhold it.

I regret that our review has determined that we are not in a position to release any of the retained material. We have reviewed all of the individual redactions and we have concluded that this information must continue to be withheld under Section 3(4) of the UK Public Records Act. In all cases the reason for these redactions is that the information cannot be released for security-related reasons.

The redactions consist of individual pieces of text, within otherwise open files. We are not retaining any whole documents or files. The total amount of information withheld is very small and most of the redactions only consist of a few words. The limited nature of these redactions can be seen in the files which are openly available at The National Archives. Our assessment is that all information of value to the Panel has already been released to The National Archives in the files you have identified and that release of the redacted material would not provide anything of additional value for the Panel's work.

Yours sincerely,

R. DEANE

Head of Knowledge Management Department and Departmental Records Officer